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C51P4
1990

October 3 -

Planning and Development Committee

URBAN/MUNICIPAL
CA4 ON HBL AOS
C51P4
1990

MRS. J. MacANANAMA
CHIEF LIBRARIAN

K.E. A
TY C
J.J. SCHATZ
DEPUTY CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

TEL: 546-2700
FAX: 546-2095

~~1990 September 27th~~

URBAN MUNIC. AFF
OCT 1 1990
GOVERNMENT DOCUMENTS

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1990 October 3rd
9:00 o'clock a.m.
Room 233, City Hall

Susan K. Reeder
Secretary

ZONING APPLICATIONS WILL BE HEARD IN ROOM 233

AGENDA

1. Consent Agenda.

ALDERMAN B. HINKLEY

2. 20 Huron Street.

3. 780 Main Street East.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

4. Durand South (Markland Street Area) - Heritage Conservation District Study.

5. Designations:

   (a) 988 Concession Street (Mountain Brow).

   (b) 74 Charlton Avenue East.

REFERRAL BY CITY COUNCIL

6. Correspondence - Resolution - City of Brampton - Residential Development Frees.

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

ROOM 233

10:30 O'CLOCK A.M.

7. Zoning Application 90-59, Slovenian Society of St. Joseph Hamilton, lessee, for a change in zoning from "C" and "L-mr-1" to "DE-3" for the rear part of property at 125 Centennial Parkway North; Kentley Neighbourhood.

8. Zoning Application 90-57, Andy Robertson, applicant, for a modification to the "C" District regulations for land at 25 Hester Street; Greeningdon Neighbourhood.

10:45 O'CLOCK A.M.

9. Zoning Application 90-08, G. McMillan and B. Frame, owners, for a modification to the "H" District regulations for property at 610 and 612 King Street East; Landsdale Neighbourhood.

10. Subdivision Application 90-01 and Zoning Application 90-09, 800064 Ontario Inc. (T. DiSilvestro) owner, for changes in zoning for land municipally known as 480 Rymal Road West; Falkirk East Neighbourhood.

11. Zoning Application 90-56, P. Mancini, P. and J. Zourntos, P. Hatzoglow and A. Tuite, owners, for a further modification to the "G-4" District regulations for land municipally known as 30 Rymal Road East; Allison Neighbourhood.

11:00 O'CLOCK A.M.

12. To be lifted from the table:

    Zoning Application 88-124, R.H.B. Murray and M.A. Murray, owners, for a change in zoning from "C" to "H" for property at 694-696 Upper James Street; Bonnington Neighbourhood.

13. To be lifted from the table:

    Zoning Application 90-31, 877175 Ontario Inc. (K. Murray) owner, for a change in zoning from "C" to "H" for property at 710 Upper James Street; Bonnington Neighbourhood.

    (a) Submission - Henry Hadala, 163 Allenby Avenue.

11:15 O'CLOCK A.M.

14. Rental Housing Protection Act - 266-280 King Street East; Beasley Neighbourhood.

15. Other Business.

16. Adjournment.

Brian Hinkley Alderman Ward Three

Y COUNCIL

ce & Administration Committee -Chairman

Keep Hamilton lean Committee -Chairman

Seniors Centre easibility Study -Chairman

Harbour Task Force -Chairman

Handbill Sub-Committee -Chairman

amilton Municipal Retirement Fund -Chairman

Hamilton Seniors Council -Liaison

& Recreation Committee -Member

amilton Non-Profit Housing -Member

gional Engineering Committee -Member

egional Economic Planning Committee -Member

rman's Environmental dvisory Committee -Member

amilton-Wentworth ildren's Aid Society -Member

2.

September 17, 1990.

SEP 2 0 1990

MEMO TO: Susan Reeder,
Secretary, Planning and Development Committee.

FROM: Brian Hinkley,
Alderman, Ward 3.

SUBJECT: PLANNING AND DEVELOPMENT COMMITTEE MEETING AGENDA ITEM.

Dear Susan:

Please place an item on the next Agenda of the Planning and Development Committee Meeting to be held Wednesday, October 3, 1990.

This matter deals with drainage problems being experienced by Mr. Harold Tarbutt of 20 Huron Street.

The attached information will help explain the difficulty Mr. Tarbutt has been experiencing. I would like to discuss this matter with the Committee.

Your co-operation in this regard is very much appreciated.

Brian Hinkley

Brian Hinkley,
Alderman, Ward 3.

BH:dd

Attach.

c.c. Mr. Harold Tarbutt, 20 Huron Street, Hamilton, Ontario. L8L 2S2.

Recycled Paper

TARBUTT

Brian Hinkley Alderman Ward Three

CITY COUNCIL

71 Main Street West
Hamilton, Ontario
L8N 3T

Tel: (416) 546-2730
Res: (416) 572-7500

Finance & Administration Committee -Chairman

Keep Hamilton Clean Committee -Chairman

Seniors Centre Feasibility Study -Chairman

Harbour Task Force -Chairman

Handbill Sub-Committee -Chairman

Hamilton Municipal Retirement Fund -Chairman

Hamilton Seniors Council -Liason

Parks & Recreation Committee -Member

Hamilton Non-Profit Housing -Member

Regional Engineering Committee -Member

Regional Economic & Planning Committee -Member

Chairman's Environmental Advisory Committee -Member

Hamilton-Wentworth Children's Aid Society -Member

July 6, 1990

Mr. Brian Allick
Director of Inspections

Dear Mr. Allick:

RE: 18 HURON STREET

After all this time of trying to resolve the problem with the downspout, your letter of June 4th indicates that it is o.k. to have the rainwater leader discharge onto the ground. Unfortunately it has been implied that the rainwater leader should connect to the sewer line.

Now I am certainly confused, and I am sure Mr. Tarbutt will be confused and mystified to hear that it is o.k. to have the rainwater leader discharge into the ground.

In short, is this in conformity to our City policies and/or by-laws. If so, could you please provide me with the by-laws that indicate such.

Your co-operation in this regard is very much appreciated.

Yours truly,

Brian Hinkley

Brian Hinkley
Alderman, Ward 3

rd

cc: Mr. H. Tarbutt
20 Huron Street
Hamilton, Ontario L8L 2S2

Recycled Paper

OFFICE OF THE BUILDING COMMISSIONER

REFER TO FILE _____

ATTENTION OF _____

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

JUL 20 1990

1990 July 18

Alderman B. Hinkley
Alderman, Ward 3
Aldermen's Office
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Alderman Hinkley:

Re: 18 Huron Street

I am in receipt of your letter of July 6th, 1990 regarding the above captioned property.

Please accept my apologies for submitting any confusing information. However, as indicated in my correspondence, an Order was issued to have the eavestrough and downspouts repaired. This work was done. Therefore, this particular Order was satisfied.

With reference to the discharge of the rainwater onto the ground, I enclose for your perusal, a copy of By-Law 79-23 which amends the Property Standards By-Law 74-74, and reference more specifically Section 8(3) which indicates that where downspouts are arranged to discharge water run-off not less than three feet from the building and the water is completely contained on the property. I would advise that this section is basically unenforceable in law, in that we cannot without a reasonable doubt, prove whether water disperses. I also enclose for your perusal, a copy of By-Law 88-207 which amends By-Law 88-09 with regards to the requirements of the connection of rainwater leaders to storm sewers. Paragraph (2) of the amended by-law indicates that this requirement for the connection of rainwater leaders to storm sewers does not apply to subdivisions where the plan of subdivision was registered in the land registry office prior to January 30th, 1988.

cont'd....

It is because of these facts that I deemed the conditions existing at 18 Huron, to meet the intent of the existing by-laws in the City of Hamilton dealing with this matter.

Trusting this information is helpful to you and clarifies our position.

Yours very truly,

Brian D. Allick
Director of Inspections

BDA/sb
Enclosures

5. Clause (c) of subsection 3 of section 4 of By-law No. 74-74 is repealed.

JUL 20 1990

6. Subsection 1 of section 6 of By-law No. 74-74 is amended by striking out "1 foot 6 inches" in the second line and substituting in lieu thereof "2 feet".

7. Section 7 of By-law No. 74-74 is repealed.

8. Section 8 of By-law No. 74-74 is repealed and the following substituted therefor:

Drainage and Plumbing Systems

8. (1) Drainage and plumbing systems shall be installed, operated and maintained on all property.

(2) Water run-off from roof surfaces shall discharge into an eavestrough or gutter and thence to a downpipe, except as follows:

1. Where the roof of a building is designed to prevent and does prevent water run-off,

(a) onto adjacent property; or

(b) that may cause deterioration of the building.

(3) The water run-off referred to in subsection 2 shall discharge from the downpipe into a storm sewer, except as follows:

1. Where downpipes are arranged to discharge water run-off not less than three feet from the building and the water is completely contained on the property.

(4) The drainage and plumbing systems shall be installed and maintained,

(a) in good working order; and

(b) free from leaks, defective or dripping taps and other defects; and

(c) in accordance with the requirements of the building code.

(5) The eavestrough or gutter shall be maintained,

(a) watertight and free from leaks; and

(b) in good working order; and

(c) free from unsafe conditions.

Bill No. 0-97

The Corporation of the City of Hamilton

BY-LAW NO. 88-207

To Amend By-law No. 88-09

Respecting:

ROOF LEADERS

WHEREAS By-law No. 80-245, passed on the 9th day of September 1980 in accordance with The Municipal Act, R.S.O. 1970, Ch. 284, [now The Municipal Act, R.S.O. 1980, Ch. 302, Section 210, paragraph 74 and Section 210, paragraph 1], provides for the regulation of land drainage;

AND WHEREAS By-law No. 88-09, passed on the 12th day of January, 1988, amended By-law No. 80-245 by requiring that roof leaders be connected to storm sewers;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 10 of the 16th Report of the Planning and Development Committee at its meeting held on the 26th day of July, 1988, directed that By-law No. 88-09 be amended to exempt from its provisions certain subdivisions, where the plan of subdivision is registered in the Land Registry Office prior to the 30th day of January, 1988.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 4 of By-law No. 88-09, being an amendment to Section 6 of By-law No. 80-245, is amended by inserting the figure (a) after the number 6.

2. Section 4 of By-law No. 88-09 is further amended by adding thereto the following subsection:

6. (b) Subsection (a) shall not apply to subdivisions where the plan of subdivision is registered in the Land Registry Office for Hamilton-Wentworth prior to the 30th day of January, 1988.

PASSED this 30th day of August A.D. 1988.

City Clerk

Mayor

CERTIFIED A TRUE COPY

CITY CLERK

(1988) 16 R.P.D.C. 18, July 26

OFFICE OF THE BUILDING COMMISSIONER

REFE

ATTE

3.

THE CORPORATION OF THE CITY OF HAMILTON

1990 September 25

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

Alderman B. Hinkley
Alderman, Ward 3
Aldermen's Office
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Alderman Hinkley:

Re: 780 Main Street East, Hamilton

In response to your request for information regarding the application of the Rental Housing Protection Act and its relationship with Orders issued pursuant to The Ontario Building Code, please be advised as follows:

I have had our zoning correlator research the file of this property to determine the legal occupancy of the building. From information contained in this file, should a zoning verification certificate be requested, it would say that the last legal use was a four family dwelling with two doctor's offices. This was established in 1953. This being the case, the legal occupancy would not be caught by the requirements of Section 4(1) of The Rental Housing Protection Act and a demolition permit could be issued forthwith.

However, Mr. Jahn insists that this is a six-plex, which then is controlled by Section 4(1) of the Rental Housing Protection Act and as such must be dealt with in the manner laid out in that statute.

An Order to Comply was issued by this Department pursuant to Section 10(2) of the Building Code Act and referenced roof sheathing in danger of collapse and the requirement to comply was to remove this roof sheathing. This work has been done and therefore that specific Order has been satisfied.

Further, in reading the regulations of the Rental Housing Protection Act, Section 2 reads as follows:

> "A rental property or part thereof that is subject to demolition under subsection 10(4) of the Building Code Act, an order for clearance of buildings and structures under clause 31(7)(b) of The Planning Act, 1983 or an order for removal under clause 18(2)(a) of the Fire Marshals Act is exempt from clause 4(1)(a) of the Act."

cont'd...

Section 10(4) of The Building Code Act reads as follows:

> "Where the chief official has made an order under subsection (2) and considers it necessary for the safety of the public, he may cause the building to be renovated, repaired or demolished for the purpose of removing the unsafe condition or take such other action as he considers necessary for the protection of the public, and where the building is in a municipality, the cost of the renovation, repair, demolition or other action may be added by the clerk to the collector's roll and collected in like manner as municipal taxes."

As you can see, this building is not deemed to be unsafe in the meaning of The Building Code Act, and the safety of the public does not appear to be jeopardized by its existing condition.

These facts have been relayed to Mr. Jahn by Mr. Peter Lampman, and I am of the opinion that an application under the Rental Housing Protection Act should be made and the fees be the subject of discussion.

Trusting this information is of some assistance to you.

Yours very truly,

Brian D. Allick

Brian D. Allick
Director of Inspections

BDA/sb

4.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1990 September 25

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: **DURAND SOUTH (MARKLAND STREET AREA)--
HERITAGE CONSERVATION DISTRICT STUDY**

RECOMMENDATION:

a) That a Heritage Conservation District Study and Plan for the area of Durand South which includes Markland Street (James Street South to Bay Street South), Chilton Place, and MacNab Street South (between Charlton Avenue West and Markland Street) be undertaken; and,

b) That the Planning Department be directed to submit an application to the Ministry of Culture and Communication for a Heritage Conservation District Study; and,

c) That the Solicitor's Department be directed to prepare a by-law defining Durand South (Markland Street area) as an area to be examined for future designation as a heritage conservation district.

Note: A petition was submitted by the property owners to the Planning Department with 26 signatures requesting the Heritage Conservation District Study and Plan.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Appliction would be submitted to the Ministry of Culture and Communications for 50% funding for a Heritage Conservation District Study; the City would provide the matching 50%. A Heritage Study such as this one is estimated to be in the range of $20,000 to $24,000: the City, therefore, would be requested to provide $10,000 to $12,000.

BACKGROUND:

This proposal to undertake the Durand South Heritage Conservation District was endorsed in principle by City Council at its meeting held 1990 February 13. The project was subject to funding allocation in the 1990 Work Program/Budget. The funding, however, was not granted and therefore no action was taken.

In an earlier report submitted to the Planning and Development Committee in 1983 January, both the Planning Department and LACAC had recommended that a Heritage District Study for Durand South be initiated as the City's first district. At that time, Council approved the area of James Street North in place of Durand.

The Ministry of Culture and Communications has traditionally funded Heritage Conservation District Studies due to the costs of the lengthy consultative process. The funding will be used to hire a consultant to assist staff in the preparation of the Study and Plan, as in the case of James Street North.

c.c. Mr. A. Georgieff, Director of Local Planning
Attention: Mrs. N. Chapple

Mrs. P. Noé-Johnson, City Solicitor

5a.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1990 September 25

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: **988 CONCESSION STREET - DESIGNATION RECOMMENDATION**

RECOMMENDATION:

a) That approval be given to the "Intent to Designate" the house at 988 Concession Street (originally known as Inkermann Cottage) as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked as Appendix "A"; and,

b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

LACAC gave preliminary approval to the designation of this property at its last meeting following receipt of a letter from the current owners, Alan and Suzanne Miller, requesting designation.

Reasons for Designation, planning information, maps, photographs and background information attached.

Attached

c.c. Mr. A. Georgieff, Director of Local Planning
Attention: Mrs. N. Chapple

Mrs. P. Noé-Johnson, City Solicitor

REASONS FOR DESIGNATION

Kerr House, 988 Concession Street

Context

Built around 1855 for John William Kerr, the 1 1/2 storey stuccoed house at 988 Concession Street on the East Mountain stands overlooking the escarpment at the eastern end of Mountain Drive Park, a triangular park extending from Mountain Park Avenue to the point where Concession Street turns into the Mountain Brow Boulevard. Set well back from the roadway on a large lot amidst well-treed and attractively landscaped grounds, the Kerr house now forms part of a residential area developed largely in the 1950s.

The house originally stood at the north-east corner of Kerr's extensive property, whose frontage extended from Upper Sherman along the "Mountain Top Road" to its eastern terminus. Here, at what became known as Kerr's Point, John Kerr built a road half-way down the escarpment to join the one built by Daniel Flock from his farm to the east down the Mountain to Ottawa Street.

Historical Importance

Of particular historical interest is the association of 988 Concession Street with the original owner, John William Kerr, a well-known fishing inspector and leader in early initiatives to protect Ontario's valuable fish and game resources. After retiring as Chief Clerk in the Engineer's Office of the Grand Trunk Railway in 1854, Kerr established a farm on his Mountain-brow property and by 1858 was living with his family in the present house, originally known as Inkermann Cottage.

Kerr's concern over the declining fish and game population in Hamilton Harbour and Burlington Bay led him to become a founding member of the Wentworth Society for the Protection of Game and Fish, established in 1860. Four years later, he was appointed a Fisheries Overseer (one of the first in Upper Canada) with jurisdiction over the lakeshore and rivers between Hamilton and Toronto. His territory was soon extended to the Niagara River and then along the shore of Lake Erie to Long Point. Kerr gained a reputation for his strict enforcement of the laws regulating fishing and game hunting, and also actively lobbied for the creation of fishery reserves for sports fishing and fish hatcheries. Serving as Fisheries Overseer until the year of his death in 1888, Kerr was succeeded in this position by his two eldest sons Frederick and Charles. Throughout his life a staunch Conservative, John Kerr also took an active role in the political affairs of Wentworth County and Barton Township.

John and his wife Mary occupied the house until their respective deaths in 1888 and 1907, after which the property was deeded to their four living daughters who carried on the family farm. With the death of the last surviving daughter Louisa in 1930, the farm was subdivided among the heirs The house was acquired by Charles Kerr and finally in 1942 to his son, Albert, neither of whom ever lived in it. Owned by the Kerr family for almost a century, the house was purchased in 1946 by Reginald and Ruth Dodson along with about 3/4 acre of land; the property has since changed ownership only once, being sold in 1985 to the present owners.

Architectural Importance

Stylistically, the Kerr house represents a very unusual, and possibly unique, variation on the Ontario Regency cottage form: a one-storey structure of tall proportions, often stuccoed, with tall chimneys and casement windows. Atypical of the Regency cottage is its assymmetrical, L-shaped plan and corresponding roof form, and the large wall-mounted brackets supporting the flared eaves. Sprung from corbels and terminating in two pendants, these gracefully curved wooden brackets constitute the most distinctive and individualistic design feature. Also noteworthy are the four floor-to-ceiling, multi-paned casement windows, the original doorway with its four-panelled wood door and transom, and the four dormers (pre-1946) with curved roofs and casement windows. The only major alteration is the horizontal window to the left of the front doorway, added when the house was extensively renovated by the Dodsons.

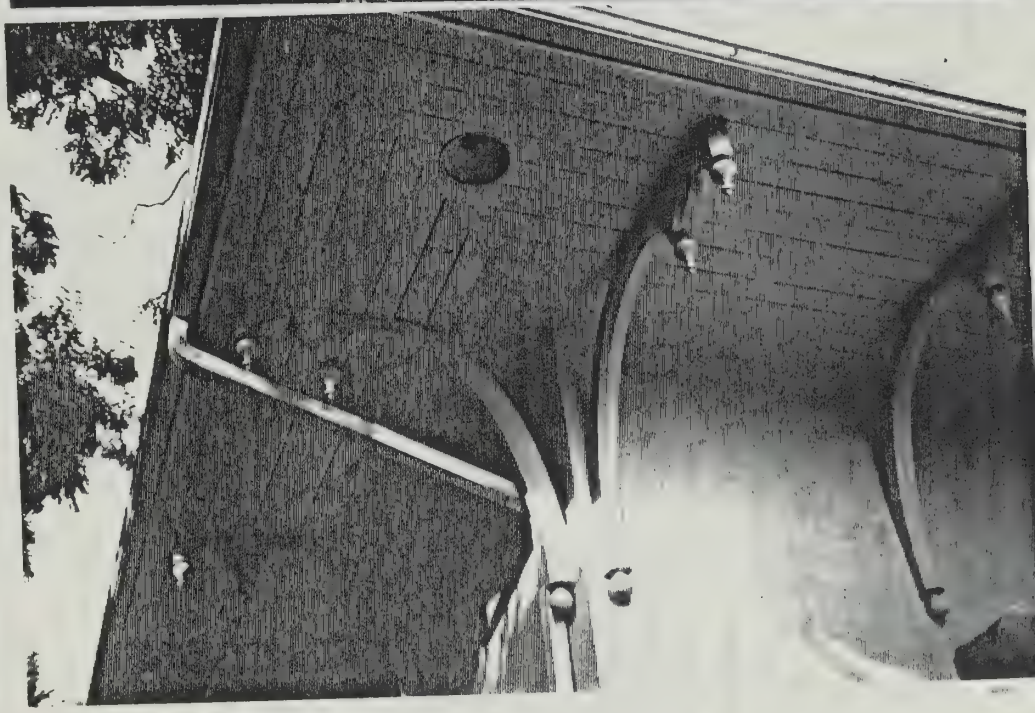
Designated Features

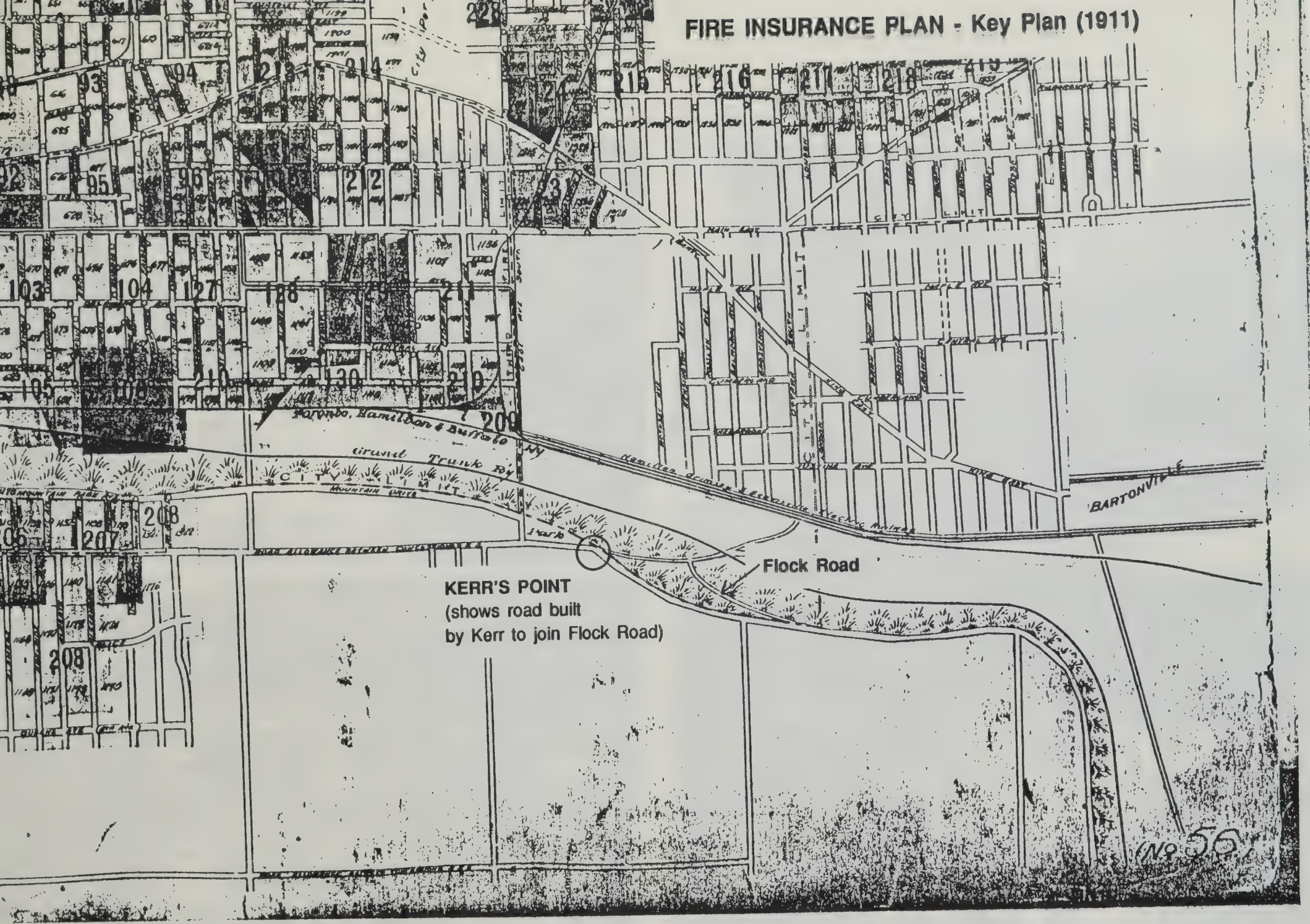
Important to the preservation of 988 Concession Street are the original features of all four facades and rear summer kitchen wing, including the stucco finish, the original windows and doorways, and the hipped roof with its four pre-1946 dormers, tall chimney and decorative brackets. Excluded are these later alterations: the two horizontal windows (front and rear) and the dormer added at the rear.

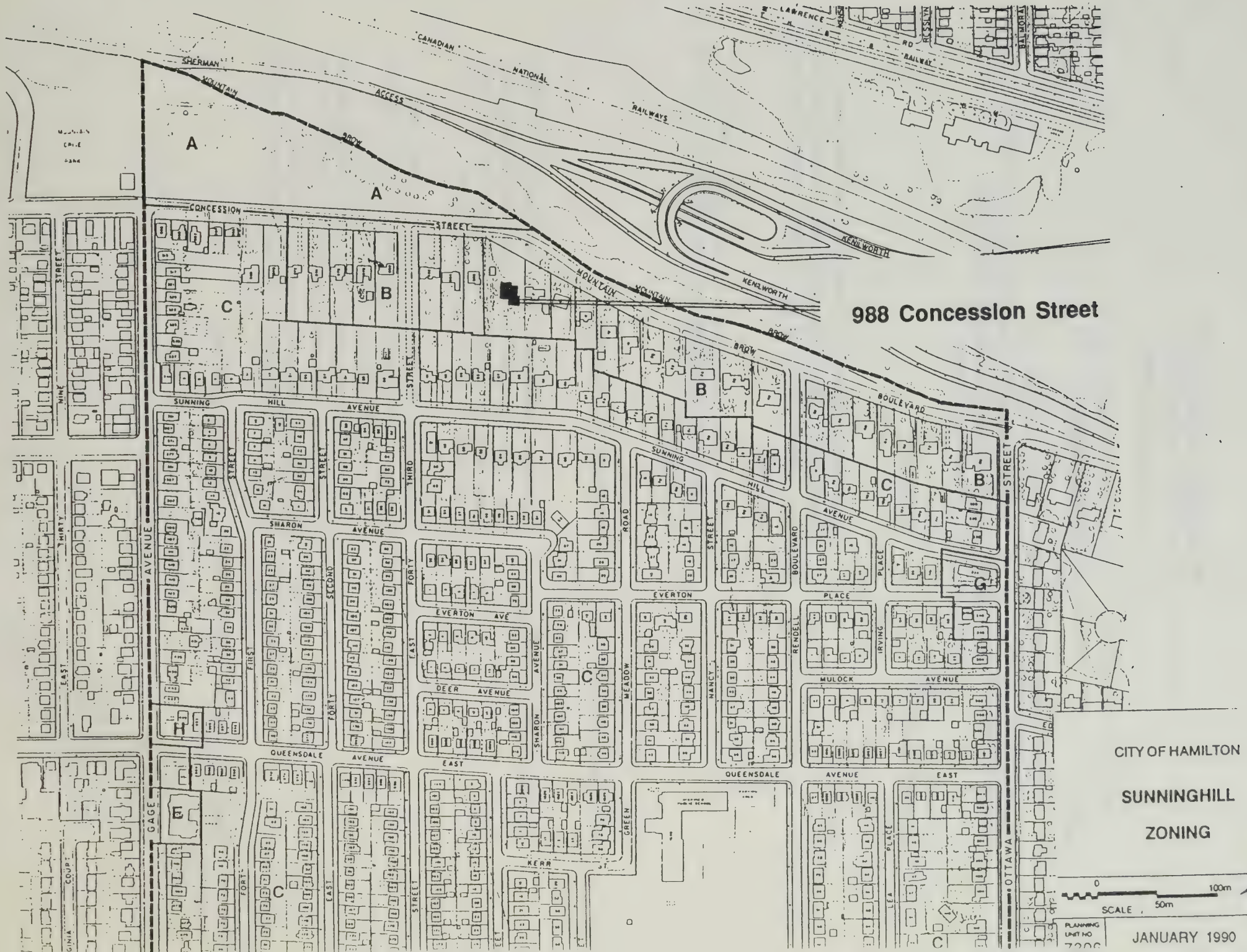









FIRE INSURANCE PLAN - Key Plan (1911)
Flock Road
KERR'S POINT
(shows road built
by Kerr to join Flock Road)
BARTONVILLE
CITY LIMIT
Grand Trunk Ry
Toronto, Hamilton & Buffalo Ry
No 56


988 Concession Street
CANADIAN NATIONAL RAILWAYS
ACCESS
SHERMAN MOUNTAIN BROW
CONCESSION STREET
KENILWORTH
MOUNTAIN BROW
SUNNING HILL AVENUE
BOULEVARD
SHARON AVENUE
EVERTON AVE
DEER AVENUE
QUEENSDALE AVENUE EAST
MULOCK AVENUE
PLACE
ROAD
STREET
A
B
C
E
G
H
CITY OF HAMILTON
SUNNINGHILL
ZONING
SCALE 50m
0
100m
NORTH
JANUARY 1990

PLANNING INFORMATION

988 Concession Street

DATE: September 1990

HERITAGE STATUS: Listed on Inventory and recommended by LACAC for designation under the Ontario Heritage Act.

NEIGHBOURHOOD: **Sunninghill**

ZONING: This property is zoned "B" (**Suburban Agriculture and Residential**). This zone requires a lot to have a minimum lot width of 20.0 m (65.92 ft) and area of 1 100.00 m^2 (11 840.3 sq. ft.).

No application for either a rezoning or minor variance (Committee of Adjustment) have been filed to date regarding the subject lands.

SITE PLAN CONTROL: Not under site plan control.

OFFICIAL PLAN POLICIES: Designated "**Residential**"- Land Use Concept of the Official Plan. Uses permitted are various types of dwellings and those which are compatible with dwellings such as public parks, institutional and local commercial uses.

It should be noted the above property is located within Special Policy Area 1B - Special Policy Areas. The lands within Special Policy Area 1 lie within the Niagara Escarpment Planning Area. It is intended that development within Special Policy Area 1B will have a minimum impact on the adjacent escarpment and, as such, will be at a scale, density and height which is compatible with the escarpment.

NEIGHBOURHOOD PLAN POLICIES: No Neighbourhood Plan

DEMOLITION CONTROL: Not under demolition control.

CONTEXT:

Now forms part of a residential area developed largely in the 1950s.

Set well back from the roadway on a large lot amidst well-treed and attractively landscaped grounds.

Fits comfortably into its modern suburban setting, owing to the exceptionally wide frontage of its property combined with the similar setbacks and compatible scale and height of the neighbouring houses.

5b.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1990 September 25

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: **74 CHARLTON AVENUE EAST - DESIGNATION RECOMMENDATION**

RECOMMENDATION:

a) That approval be given to the "Intent to Designate" the house at 74 Charlton Avenue East as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith as Appendix "B"; and,

b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

Note: The lawyer for the St. Elizabeth Home Society has advised LACAC that his client has consented to designation.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Following notification in January that the St. Elizabeth Home Society had made a second application to the Niagara Escarpment Commission to demolish this "listed" 1870's Italianate house, this time for a parking lot, the Research Sub-Committee recommended that it be designated under the Ontario Heritage Act. Its eligibility for designation was approved by LACAC but the Committee deferred making a recommendation pending a special meeting held on 1990 March 26 to discuss this matter further. The designation recommendation was subsequently tabled and has not yet been forwarded to the Planning and Development Committee.

At its meeting held 1990 July 26th the Niagara Escarpment Commission voted unanimously to deny the application to demolish the house. The lawyer for the St. Elizabeth Home Society subsequently wrote the attached letter to the Director of Local Planning, indicating that his client was prepared to consent to the designation of the building under the Ontario Heritage Act. Alternatively, the Society was prepared to give the building to the City of Hamilton, provided that it would be moved from its present location.

Reasons for Designation and background material attached.

Attached

c.c. Mr. A. Georgieff, Director of Local Planning
Attention: Mrs. N. Chapple

Mrs. P. Noé-Johnson, City Solicitor

REASONS FOR DESIGNATION

74 Charlton Avenue East

This two-and-one-half storey brick Italianate house, situated at the south-east corner of Charlton Avenue East and John Street South [in Hamilton], was built in 1878-9 for merchant Joseph Hancock.

Context

The house now forms part of an isolated cluster of nineteenth century buildings on John Street South, whose focal point is the impressive Gothic Revival stone structure of the Church of the Ascension. Across the street stands a row of late Victorian brick houses and to the south, Joseph Hancock's house. This surviving group is important as representative of a far larger Victorian neighbourhood in Corktown which once extended to the foot of the escarpment.

Architectural Importance

74 Charlton Avenue East constitutes a distinctive example of the Italianate style which gained widespread popularity for houses built across the country in the 1870's. Moreover, it is one of relatively few surviving in Hamilton and one of even fewer representing the classical interpretation of this style. Typical of Italianate houses are the tall round-headed windows and doorway, and the low-pitched hip roof with wide, bracketed eaves. Characteristic of the classical Italianate ones are the cubic form, symmetrical facade, and central projecting frontispiece with a pedimental gable roof. Noteworthy details include the stone lintels and caps with prominent keystones, the stone corner quoins, and the paired wooden eave brackets.

This well built and designed house still has most of its original exterior features intact, the only significant alteration being the removal of the original pairs of arched wooden entrance and vestibule doors, the latter of which displayed elaborate leaded and bevelled glass panels.

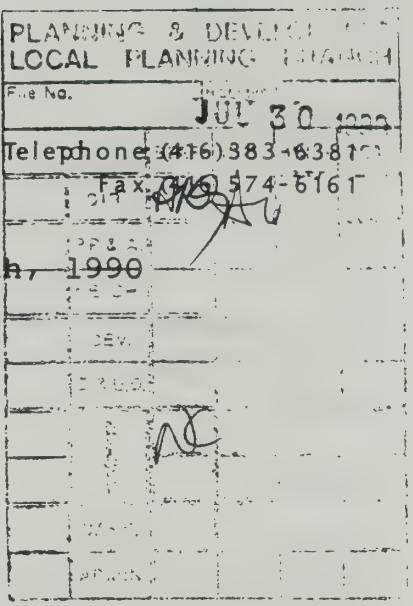
History

The house was occupied by the original owner, Joseph Hancock, until his death ca. 1887 and then by postmaster H.N. Case until 1895. In 1904, it was sold by Hancock's trustees to merchant George F. Glassco, who lived there until his death ca. 1932. The house was sold again in 1938 and was then subdivided to accommodate four tenants. After changing ownership several more times, 74 Charlton Avenue East was last purchased in 1977 by the current owner, the St. Elizabeth Home Society.

Designated Features

Important to the preservation of 74 Charlton Avenue East are the original features of north, east and west facades, including the decorative stone quoins, lintels and arches, and bracketed eaves.

Terence A. Whelan, Q.C.
BARRISTER, SOLICITOR AND NOTARY PUBLIC
Suite 403, 393 Rymal Road West, Hamilton, Ontario L9B 1V2 • Telephone (416) 383-6381
Fax (416) 574-6161



July 27th, 1990

V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning & Development Department
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Abraham:

I am the solicitor for the St. Elizabeth Home Society (Hamilton, Ontario) my client being the owner of the property known for municipal purposes as 74 Charleton Avenue East, Hamilton, Ontario.

Since I understand that my client's property has been listed in the City of Hamilton's Inventory of Arhitecturally and Historically Significant Buildings but is not designated under the Ontario Heritage Act, the purpose of this letter is to advise you that my client is prepared to consent to such a designation. Alternatively, the Society is prepared to make a gift of the building in question to the City of Hamilton, provided such building is removed from its present location within six months from the delivery of the Deed of Gift.

Would you please see that my client's proposal is submitted to the Hamilton Local Architectural Advisory Committee for its consideration?

Yours very truly,

TERENCE A. WHELAN, Q.C.

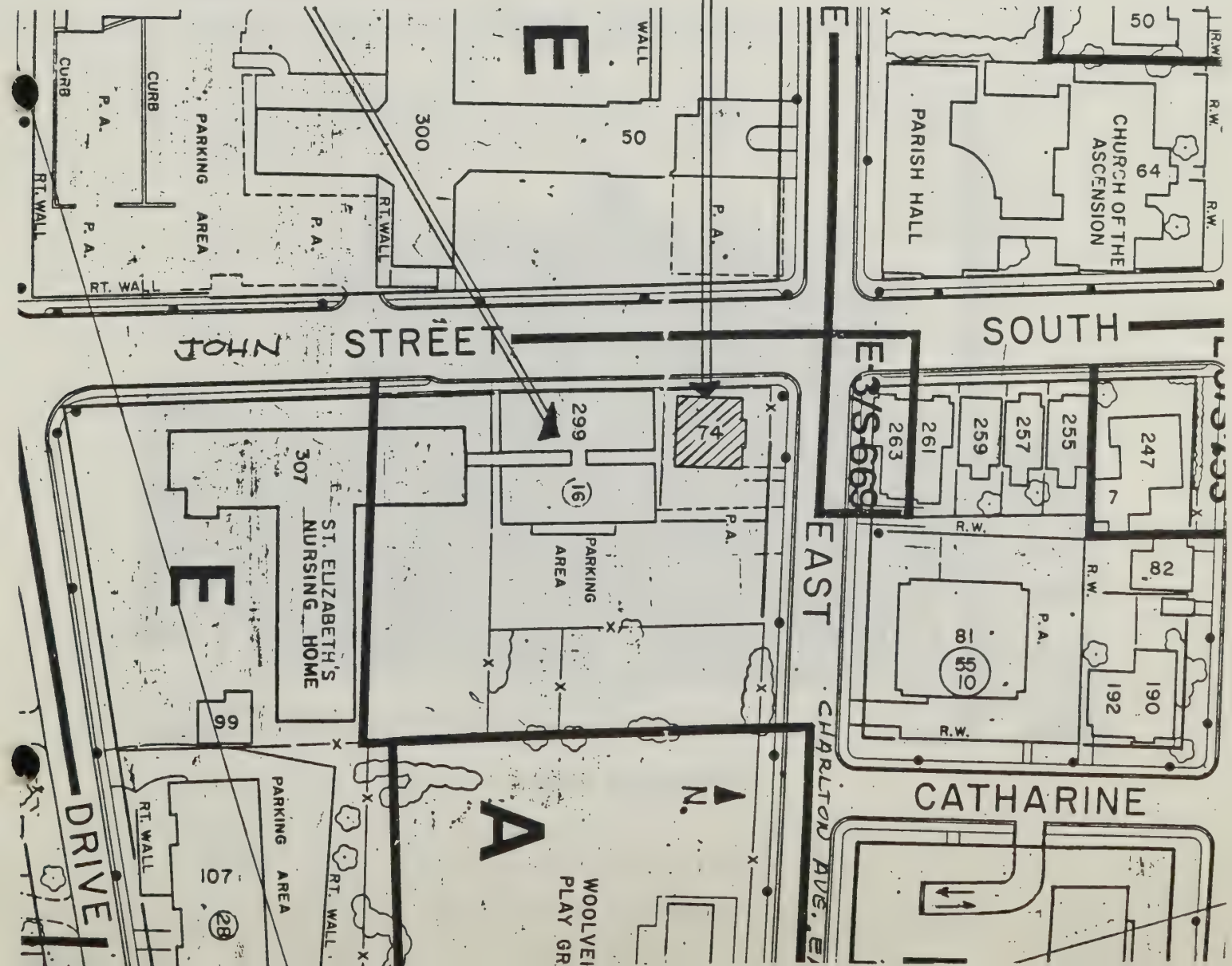
TAW:sm

cc - Ms. Ann Gillespie

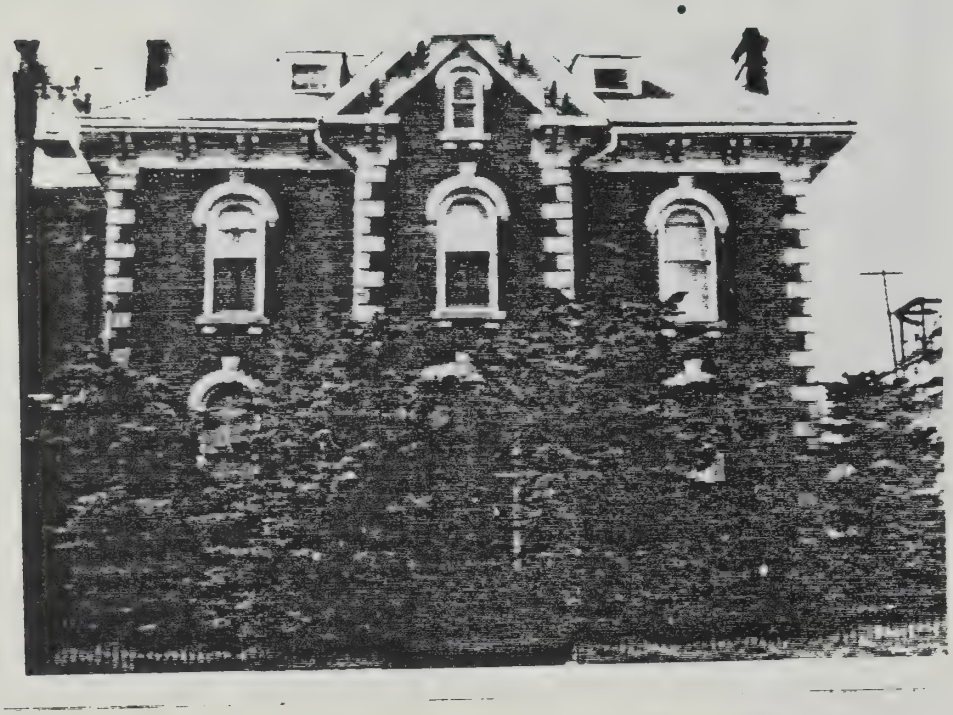


74 Charlton Ave. East

Demolished Building



74 CHARLTON AVENUE EAST
HAMILTON, ONTARIO



1970s



February 1990

NIAGARA ESCARPMENT DEVELOPMENT APPLICATION

74 Charlton Avenue East
299 John Street South

Planning

- Official Plan, designates for major institutional - proposal conforms
- Corktown Neighbourhood Plan designates for high density apartments (74 Charlton) and institutional (299 John). Proposal acceptable.
- Niagara Escarpment Plan, designates urban area - proposal conforms
- Under Niagara Escarpment Development Control - replaces zoning and site plan control
- Niagara Escarpment Development Permits are needed before a building permit is issued. The permit process controls demolitions which can be refused.
- Owners have requested that a permit application lodged in September 1984 be held pending revised plans. No revised application has been made.
- When the revised plan is officially circulated, the Planning Department or City will make comments to the Niagara Escarpment Commission (NEC).

Zoning

- E3 before NEC control. Zoning has no legal status.
- Allows apartments, townhouses, nursing home etc.
- Height limit 18 stories, 2.52 coverage
- Requires 10' - 25' front yard, 5' - 30' side yard, 9' - 45' rear yard and 40% landscaping
- Site could take up to 140± apartments

6.

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

****

TO:	Mrs. S. K. Reeder, Secretary Planning and Development Committee	YOUR FILE:	
FROM:	Mr. K. E. Avery City Clerk	OUR FILE: PHONE:	 546-4587

SUBJECT: RESIDENTIAL DEVELOPMENT FREEZE DATE: 1990 September 26

Attached please find a copy of a letter dated August 23, 1990 from L. J. Mikulich, City Clerk for the Corporation of the City of Brampton respecting residential development freeze which City Council at its meeting held September 25, 1990 referred to the Planning and Development Committee for consideration and recommendation.

att.

c.c.: Mr. A. Georgieff, Director of Planning
Mr. L. King, Building Commissioner
Mr. E. C. Matthews, City Treasurer

L.J. Mikulich, A.M.C.T., C.M.C., C.M.O.
City Clerk

RECEIVED
AUG 27 1990
CITY CLERKS

150 Central Park Drive
Brampton, Ont. L6T 2T9
793-4110

The Corporation Of The City Of Brampton

Office of the City Clerk

1990 08 23

TO ALL MUNICIPALITIES WITH A POPULATION OVER 50,000:

RE: Residential Development Freeze
Clerk's File: P10R

This is to advise that the following resolution was approved by City Council at its meeting held on 1990 08 22:

WHEREAS many essential services in the City of Brampton, beyond the direct control of the City, have not kept pace with the growth of population;

AND WHEREAS there is presently a serious shortage of hospital beds, emergency services and health care facilities to serve Brampton's population;

AND WHEREAS studies have indicated that by the year 1995 there will be a shortfall of up to 380 hospital beds to serve Brampton's population;

AND WHEREAS the lead time required to add additional hospital beds following a firm commitment from the Province of Ontario is approximately 4 to 5 years and the province has not yet given this commitment;

AND WHEREAS the Peel Board of Education has requested that certain residential developments not be approved until it received Provincial capital funding for the schools necessary to serve these developments;

AND WHEREAS it is necessary to improve the existing road network and to provide additional highways to meet the transportation requirements of Brampton's existing and future population and satisfactory commitments have not been received from the Ministry of Transportation for this work;

.../2

AND WHEREAS it is not in the public interest to give final approval to any further residential development in the City until satisfactory commitments are received from the Provincial Government which will ensure that these essential services will be available in a timely manner to serve Brampton's population;

NOW THEREFORE BE IT RESOLVED THAT:

1. City staff are directed to prepare a comprehensive report regarding the provision of these essential services;

2. The Council of the City of Brampton hereby imposes a development freeze on all residential development in the City of Brampton which will remain in force until the City's Council has considered the foregoing report;

3. This development freeze shall be implemented by the following measures:

   3.1 The Council will not adopt any Official Plan amendments or enact any Zoning By-laws which will have the effect of approving residential development or increasing residential density;

   3.2 In the case of draft approved residential plans of subdivision the City will not execute any subdivision agreements or approve any servicing plans. The Region of Peel is hereby requested to impose an additional condition of draft approval for all of these subdivisions stating that final approval will not be given until the development freeze is lifted;

   3.3 The development freeze will not apply to draft approved residential plans of subdivision where either servicing or preservicing approvals have been given in accordance with the City policy or where subdivision agreements have been executed.

.../3

3.4 With respect to residential plans of subdivision not yet draft approved, the Region will be requested to impose a condition of draft approval stating that final approval will not be given until the development freeze is lifted. In addition, the City will not execute any subdivision agreements or approve any servicing plans.

3.5. The Land Division Committee is hereby requested to either defer or refuse to give any consents which would have the effect of increasing residential density;

3.6 The Committee of Adjustment is hereby requested to either defer or refuse to grant any minor variance which would increase residential density.

4. City staff are hereby instructed to take all steps which they consider necessary to implement this development freeze.

5. A copy of this resolution be sent to the Region of Peel and the Region be requested to support the development freeze.

6. A copy of this resolution sent to the Premier of Ontario, the Ministers' of Health, Education, Transportation, Housing and Municipal Affairs and to Robert Callahan and Carmen McClelland, the local M.P.P.'s and to all municipalities over 50,000 in Ontario.

7. That this freeze be in place until such time as a committee of Brampton staff and Council in partners with the major developers and School Board representatives meet with the Premier of the Province and obtain commitments for the needed services in our high growth area.

CARRIED

Yours truly,

L. J. Mikulich, A.M.C.T., C.M.C., C.M.O.
City Clerk/Director of Administration

LJM:ak

All Municipalities with a
Population over 50,000

1990 08 23

cc: D. Trouten, Regional Clerk, Regional Municipality of Peel
Premier D. Peterson
Hon. S. Conway, Minister of Education
Hon. E. Caplan, Minister of Health
Hon. J. Sweeney, Minister of Municipal Affairs and Housing
Hon. W. Wrye, Minister of Transportation
R. Callahan, M.P.P., Brampton-South
C. McClelland, M.P.P., Brampton-North
All City of Brampton Commissioners

FOR ACTION

7.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: Sep
COMM. FILE
DEPT. FILE

Kentley
Neighbourhood

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for changes in zoning - rear part of lands at No. 125 Centennial Parkway.

RECOMMENDATION

That approval be given to amended Zoning Application 90-59, Slovenian Society of St. Joseph Hamilton, Lessee, for a change in zoning from "C" (Urban Protected Residential, etc.) District modified, to "DE-3" (Multiple Dwellings) District (Block "1") modified, and from "L-mr-1" (Planned Development - Multiple Residential) District to "DE-3" (Multiple Dwellings) District modified (Block "2"), to permit a 3-storey, 30 unit non-profit senior citizens apartment building, on property located on the rear part of lands at No. 125 Centennial Parkway North, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the lands described as Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District modified to "DE-3" (Multiple Dwellings) District.

(ii) That the lands described as Block "2" be rezoned from "L-mr-1" (Planned Development - Multiple Residential) District to "DE-3" (Multiple Dwellings) District.

iii) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to the lands described as Blocks "1" and "2", be modified to include the following variances as special requirements:

(1) That notwithstanding Section 10C(vi) of Zoning By-law No. 6593, a multiple dwelling containing a maximum of 30 dwelling units for the accommodation of elderly persons at least 60 years of age shall be permitted.

(2) That notwithstanding Section 10C(3)(ii)(b) of Zoning By-law No. 6593, a side yard having a depth of not less than 4.5 m shall be provided and maintained along the easterly side lot line within 63 m of the south-easterly corner of the property.

(3) That notwithstanding Section 18A TABLE (1G), a minimum of 20 parking spaces shall be provided and maintained.

(iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-104 be notated S- .

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-104 for presentation to City Council.

(vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(vii) That the Kentley Neighbourhood Plan be amended by redesignating Block "1" from "CIVIC and INSTITUTIONAL", to "LOW DENSITY APARTMENTS" and Block "2" from "ATTACHED HOUSING" to "LOW DENSITY APARTMENTS".

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District modified to "DE-3" (Multiple Dwellings) District modified for Block "1" and a change in zoning from "L-mr-1" (Planned Development - Multiple Residential) District to "DE-3" (Multiple Dwellings) District modified for Block "2", for property located at the rear part of lands at No. 125 Centennial Parkway North, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a 3-storey multiple dwelling containing a maximum of 30 dwelling units for the accommodation of elderly persons of at least 60 years of age.

In addition, the By-law provides for the following variances as special requirements:

- to permit a minimum side yard of 4.5 m for that portion of the building within 63 m of the south-easterly corner of the property.

- to permit a minimum of 20 parking spaces whereas a minimum of 38 parking spaces are required.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposal:

  The purpose of the proposed change in zoning is to permit the construction of a 3-storey, 30 unit non-profit senior citizens apartment building.

- Zoning Application 88-54:

  At its meeting held on September 28, 1988, the Planning and Development Committee approved Zoning Application 88-54 which provided for a change in zoning for part of the former church property from "L-mr-1" (Planning Development - Multiple Residential) District to "C" (Urban Protected Residential, etc.) District to permit single-family development in conjunction with adjoining lands to the north.

  On November 8, 1988, City Council passed By-law 88-260 which rezoned the lands to permit single-family development. The By-law came into effect on December 13, 1988.

- Zoning Application 81-53:

  At its meeting held on September 30, 1981, the Planning and Development Committee approved Zoning Application 81-53 which provided for a change in zoning from "L-pn" (Planned Development - Public and Institutional) District to "C" (Urban Protected Residential, etc.) District modified, to permit a church, rectory/office, a church hall, and an existing residential dwelling on the property located at No. 115 and 125 Centennial Parkway North. On November 24, 1981, City Council passed By-law 81-321 which rezoned the lands to permit the above-noted development. The By-law came into effect on February 17, 1982.

APPLICANT

Slovenian Society of St. Joseph Hamilton, Lessee.

LOT SIZE AND AREA

An irregular shaped parcel of land having:

- approximately 41.8 m (137.14 ft.) (average) lot frontage on Delawana Drive;
- 109.44 m (359.06 ft.) average lot depth; and,
- 4,549.99 m^2 (48,977.39 sq. ft.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"C" (Urban Protected Residential, etc.) District and "L-mr-1" Planned Development - Multiple Residential) District

Surrounding Lands

To the north	Vacant	"C" (Urban Protected Residential, etc.) District
To the south	Shopping Centre	"G-1" (Designed Shopping Centre) District, modified
To the east	Vacant lands, a church hall/rectory and a single family dwelling	"C" (Urban Protected Residential, etc.) District, modified
To the west	Single family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Block "1" is designated "RESIDENTIAL" and Block "2" is designated "MAJOR INSTITUTIONAL" on Schedule "A" Land Use Concept Plan of the Official Plan. The following policies, among others, apply:

Block "1":

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

A.2.1.14 In evaluating the merits of any proposal for Multiple Family Residential Development, Council will be satisfied that the following considerations are met:

(i) That height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,

(ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

(i) Provision and maintenance of adequate off-street parking;

(ii) Alteration of traffic flows;

(iii) Improvement and maintenance of street landscaping;

(iv) Other similar actions or matters as Council may deem appropriate.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

(iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;

(iv) Encourage the responsible public agencies to provide low cost and/or senior citizen housing at appropriate locations throughout the City; and,

(v) Encourage development at densities conducive to the operation of public transit and which utilizes designs or construction that are energy efficient."

Based on the above, the proposal complies with the RESIDENTIAL designation.

Block "2":

"A.2.6.1 The primary uses permitted in the areas exceeding 4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL will consist of cultural facilities, health, welfare, education, religious, and governmental activities and related uses.

A.2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL USES, Residential uses may be permitted provided they are compatible with the surrounding area."

The proposal also complies with the intent of the MAJOR INSTITUTIONAL designation.

The subject lands are also located in the area surrounding a Sub-Regional Centre. Consequently, the following policy, regarding Sub-Regional Centres, should be noted:

"A.2.2.5 The two Sub-Regional Centres will be promoted as secondary retail, business and service centres in the Region, and in the context of the overall COMMERCIAL structure of the City. Accordingly, the Sub-Regional Centres will consist of lands in the vicinity of the intersection of Queenston Road and Centennial Parkway and ... . Council will encourage the location in these centres of relevant district or branch services and offices of business ... Residential Uses. It is further intended that lands within the area designated in the Regional Official Plan as "Urban Policy Area" surrounding the Sub-Regional Centres will include the following uses complementary to those uses existing within these Centres:

(i) Residential Uses of higher densities."

The proposal also complies with the intent of the Official Plan in that higher density residential uses be provided in the vicinity surrounding the Sub-Regional Centre.

NEIGHBOURHOOD PLAN

Designated as follows on the approved Kentley Neighbourhood Plan:

- Block "1" - "CIVIC AND INSTITUTIONAL"
- Block "2" - "ATTACHED HOUSING"

The proposal would require an amendment to the approved Kentley Neighbourhood Plan to redesignate Blocks "1" and "2" to "LOW DENSITY APARTMENTS".

COMMENTS RECEIVED

- The Building Department has advised that:

  "(1) The subject lands require a municipal address numbered off of Delawana Drive.

  (2) There appears to be discrepancy in the actual dimension of the westerly boundary line based on a previously approved Zoning By-law (88-260).

  (3) The proposed development is considered a multiple dwelling.

  (4) A 30 unit multiple dwelling requires 38 parking spaces and one 3.7 m X 9.0 m X 4.3 m loading space.

  (5) The proposed building requires the following minimum setbacks:

  - Front Yard 6.0 m
  - Side Yard 7.41 m
  - Rear Yard 3.0 m

  (6) A minimum 1.5 m wide planting strip is required along the northerly and westerly lot lines adjacent to the parking area.

  (7) The access driveway shall be at least 3.0 m from the westerly lot line.

  (8) If the proposed multiple dwelling is to be attached to the existing church, further zoning compliance may be applicable."

- The Traffic Department has advised that:

  "While we have no objection to the proposed change in zoning, we do have a number of concerns regarding the submitted site plans. They are as follows:

  (1) Given the uncertainty of definitions with respect to "seniors" housing we would suggest that the minimal parking requirement for self-contained senior units should be I space per unit. However, given that the adjacent church is prepared to accept any overflow parking (they are the sponsoring agency) we will agree to the proposed 20 parking spaces on-site.

(2) The applicant should be advised that the proposed loading area adjacent to the refuse room does not provide sufficient manoeuvring room, and must be set-back further to the east.

(3) There is adequate manoeuvring room for a single truck to access the refuse room. The attached plan shows the turning path of a single-unit truck trying to get into this space.

(4) There is inadequate manoeuvring room for a truck to turn around on site. It is unacceptable to have a truck backing out onto Delawana Drive."

- The Hamilton-Wentworth Engineering Department has advised that:

"... there are public watermains and separate storm and sanitary sewers available to service the subject lands.

In the absence of any details shown, we advise that any works within the Delawana Drive road allowance must conform to the City of Hamilton Streets By-law.

The Traffic Department is to comment on access design. To maximize sight distances on Delawana Drive looking east, we recommend that the access be shifted to the westerly property line as much as possible (3 to 5 m form line). Grade of the access in the road allowance not to exceed 3%. At such time as the applicant submits detailed site plans, we will provide further comments on grading, landscaping, etc.".

- The Hamilton Region Conservation Authority and the Hamilton-Wentworth Police Department have no comments or objections.

COMMENTS

(1) The proposal complies with the intent of the Official Plan.

(2) The proposal would require an amendment to the approved Kentley Neighbourhood Plan to redesignate Block "1" from "CIVIC AND INSTITUTIONAL" to "LOW DENSITY APARTMENTS" and Block "2" from "ATTACHED HOUSING" to "LOW DENSITY APARTMENTS".

(3) The proposal has merit and can be supported for the following reasons:

- It complies with Official Plan;
- It implements the intent of the "L-mr-1" (Planned Development - Multiple Dwellings) District to provide for multiple dwellings on parts of the site;
- It implements the Provincial Housing Guidelines respecting Affordable Housing;
- It would provide for assisted housing for the elderly which is in relatively short supply because of the aging population and the growing demand for this type of accommodation;

- It is suitably located on the periphery of the Kentley Neighbourhood where more intense type development is encouraged to locate for ease of access to the arterial roadway system;

- It is situated within close proximity to a public transit route;

- It is situated across the road from a major shopping centre (Eastgate Square), which provides a wide range of services; and,

- It would be compatible with existing and proposed development in this area including single-family dwellings to the west and north, multiple family development to the north-east, the church to the east, and Eastgate Mall to the south.

(4) The revised site plan submitted by the applicant has been reviewed by the Building Department who have noted the following By-law variances:

- Minimum Side Yard (Section 10C(3)(iii)(b)):

  The southerly portion of the proposed building provides for a minimum side yard of 4.5 m whereas 7.5 m is required. The requested variance (3.0 m) is considered to be minor in nature and can be supported, as it adjoins the parking area of the church. Furthermore, it provides ease of access to the handicapped unit and a recreation room at this location in the proposed building. The other yards satisfy by-law regulations.

- Required Parking Spaces - Section 18A TABLE 1 (g):

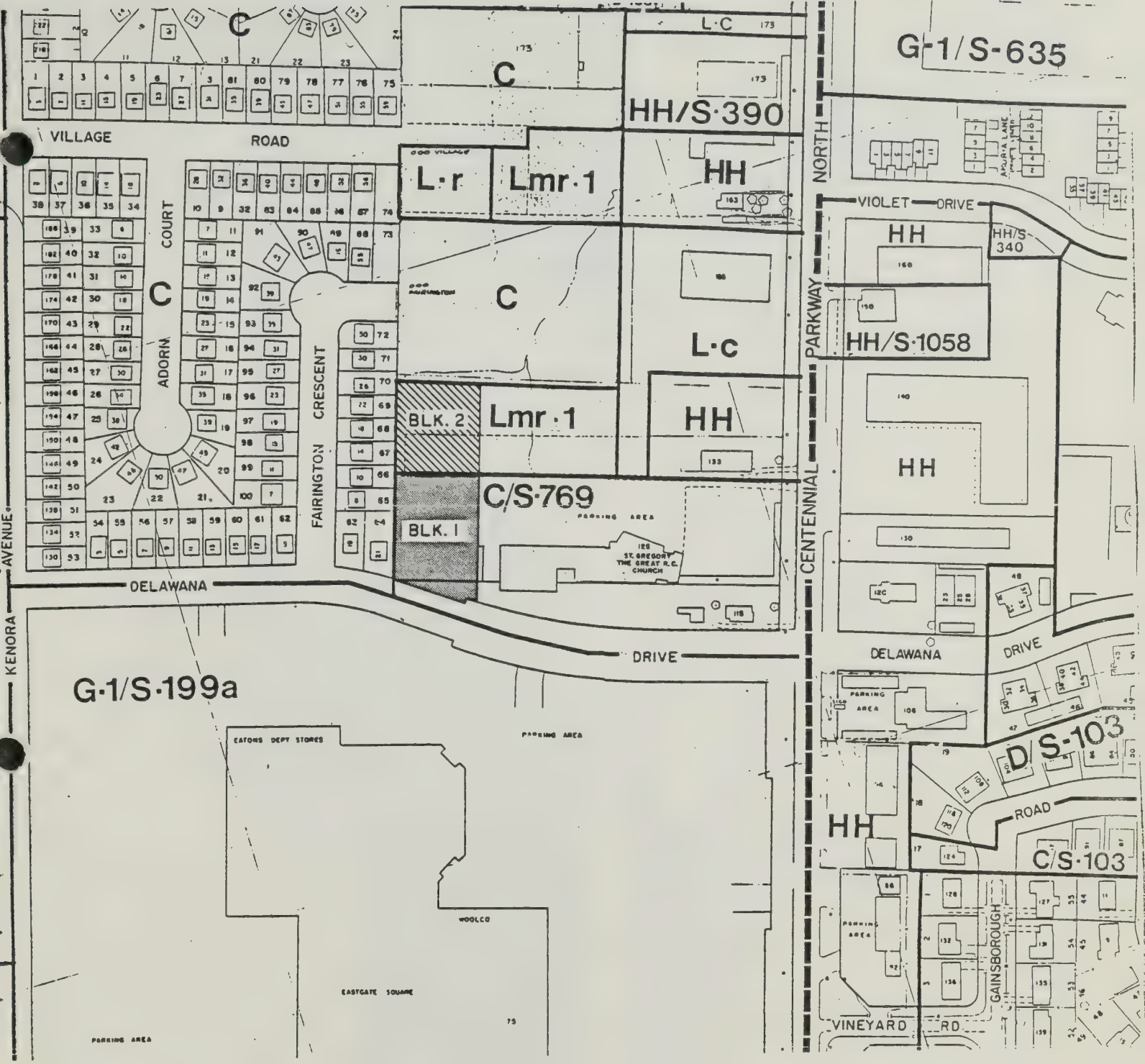
  The proposed multiple family development provides for a total of 20 parking spaces whereas a minimum of 38 parking spaces are required for the development. The requested variance would be no less feasible than other similar applications to permit a reduction in parking for senior citizens apartment projects previously approved by City Council (e.g., AA-89-73, 17 Main Street West; ZA-89-76, 206-210 Jackson Street East; ZA-89-126, Mall Road). The Traffic Department supports the variance.

(5) Under the "DE-3" District regulations, the lands are subject to Site Plan Control By-law 79-275 as amended by By-law 87-233. In this regard, matters such as access, landscaping, grading, parking, loading, road widenings, etc., can be further reviewed at the site plan stage of development.

CONCLUSION

On the basis of the foregoing, the amended application can be supported.

GAW/dkp
Attach.
ZA9059



LEGEND

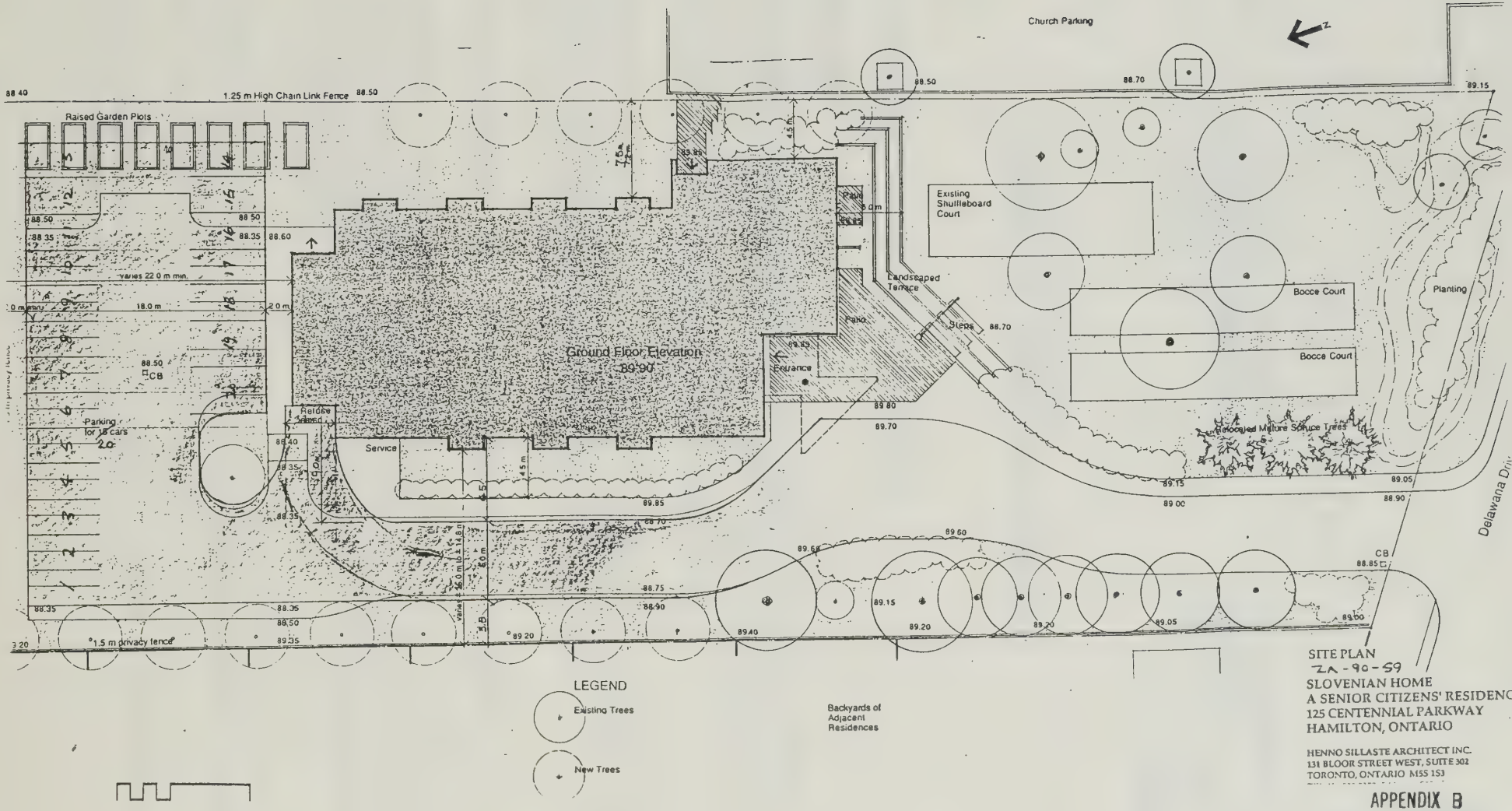
PROPOSED CHANGE IN ZONING FROM:

ZA 90-59

BLOCK 1 — "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT, MODIFIED TO "DE-3" (MULTIPLE DWELLINGS) DISTRICT.

BLOCK 2 — "L-mr-1" (PLANNED DEVELOPMENT - MULTIPLE RESIDENTIAL) DISTRICT TO "DE-3" (MULTIPLE DWELLINGS) DISTRICT.

APPENDIX A



SITE PLAN
ZA-90-59
SLOVENIAN HOME
A SENIOR CITIZENS' RESIDENC
125 CENTENNIAL PARKWAY
HAMILTON, ONTARIO

HENNO SILLASTE ARCHITECT INC.
131 BLOOR STREET WEST, SUITE 302
TORONTO, ONTARIO M5S 1S3

APPENDIX B

8.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: September 26, 1990
COMM. FILE:
DEPT. FILE: ZA-90-57
Greeningdon
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a modification in zoning - No. 25 Hester Street.

RECOMMENDATION

That amended Zoning Application 90-57, A. Robertson, applicant, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit only those facilities in existence as of June 6, 1990, for property located at No. 25 Hester Street, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

i) the Mountain Arena site is in an established urban area and currently provides recreational facilities to the West Mountain area of the City. It is intended to provide active recreational facilities. In this respect, limiting the types of permitted uses is inappropriate given the nature, current functions, and intended use of the Mountain Arena site;

ii) The Zoning Application was submitted without the owner's (City) consent.

Approval of a zoning application submitted by a person or persons for another landowner's property is an attempt to affect the proprietary rights of the owner of the land in question by altering the uses permitted as-of-right in the City's General Zoning By-law. In this regard, such a rezoning would impose a hardship on the lands in question and unreasonably affect the owner's use of such land.

iii) Approval of the application would set an undesirable precedent in that any person could attempt to limit the use of City owned land simply by bringing forth an application for rezoning which may or may not be in the City's interests.

iv) The application is premature until a Parks Master Plan and an associated review of zoning for parks and recreational facilities is undertaken by the City.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o Proposal

The applicant is requesting a modification to the established "C" District regulations to limit the use of the Mountain Arena to those facilities in existence as of June 6, 1990. This would limit the use of these lands to: the arena, the five tennis courts, and the 2 boccie courts (see APPENDIX "B"). In this regard, should the application be approved, any new facilities to be constructed on the Mountain Arena site would require an amendment to the Zoning By-law.

It should be noted that any By-law passed by the City cannot be applied retroactively to any property. In this regard, should approval be given to this application, the By-law would limit the facilities to those in existence on the date the By-law was passed and not June 6, 1990 as proposed by the applicant.

APPLICANT

A. Robertson, applicant.

LOT SIZE AND AREA

The subject property has:

o 107.9 m (354 feet) of lot frontage on Hester Street;

o 204.8 m (672 feet) of lot depth; and,

o 2.63 ha (6.5 acres) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	Mountain Arena and boccie courts	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north	three-storey apartment buildings	"DE" (Low Density Multiple Dwellings) District
to the south	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the west	commercial	"HH" (Restricted Community Shopping and Commercial) District
to the east	Ridgemount Public School	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

The subject lands are designated "MAJOR INSTITUTIONAL" on Schedule "A" - Land Use Concept. The following policies should be noted:

"A.2.6.1 The primary uses permitted in the areas exceeding .4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and related uses.

A.2.6.2 MAJOR INSTITUTIONAL USES may be located in Residential neighbourhoods and will be encouraged to locate where they will function as a focus for the neighbourhood and on sites adjacent to other Institutional Uses, or a Neighbourhood Commercial use to permit the sharing of parking and other facilities in accordance with the following provisions:

i) Sufficient off-street parking and loading will be required, with particular consideration for their on-site location, and appropriate buffer and landscape treatment to effectively screen the development from surrounding uses;

ii) The proposal is of a scale that will be compatible to, and integrate with, the character of established or approved development in the surrounding area; and,

iii) Adequate provision has been made for access by the physically disabled and senior citizens."

Based on the foregoing, the existing arena complies with the intent of the Official Plan. The proposal to rezone the subject lands to limit the permitted uses does not conflict with the intent of the Official Plan.

It should also be noted that any further improvements to or expansion of the Mountain Arena would also comply with the Official Plan.

NEIGHBOURHOOD PLAN

There is no Neighbourhood Plan for the Greeningdon Neighbourhood.

COMMENTS RECEIVED

o The following agencies have no comment or objection:

- Hamilton Region Conservation Authority;
- Traffic Department;
- Building Department; and,
- Local Architectural Conversation Advisory Committee Staff.

o The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands. We have no further comments."

o The Department of Culture and Recreation has advised that:

"In response to the application for a change in zoning submitted by Mr. A. Robertson in opposition of the construction at Mountain Arena, it is our Department's opinion that all procedures are in place and have been followed as approved by Council and our Department.

The correct zoning is in place for the extension of the facilities at the Mountain Arena. Council process was respected in the determination. A Public Meeting was held to discuss the proposal. The Project is being responsibly funded by the Corporation.

The request by Mr. A. Robertson and others are not appropriate and cannot be supported."

COMMENTS

1. The proposal does not conflict with the intent of the Official Plan.

2. The proposal cannot be supported for the following reasons:

   i) the Mountain Arena site is in an established urban area and currently provides recreational facilities to the West Mountain area of the City. It is intended to provide active recreational facilities. In this respect, limiting the types of permitted uses is inappropriate given the nature, current functions, and intended use of the Mountain Arena site;

   ii) the Zoning Application was submitted without the owner's (City) consent. Approval of a zoning application submitted by a person or persons for another landowner's property is an attempt to affect the proprietary rights of the owner of the land in question by altering the uses permitted as-of-right in the City's General Zoning By-law. In this regard, such a rezoning would impose a hardship on the lands in question and unreasonably affect the owner's use of such land.

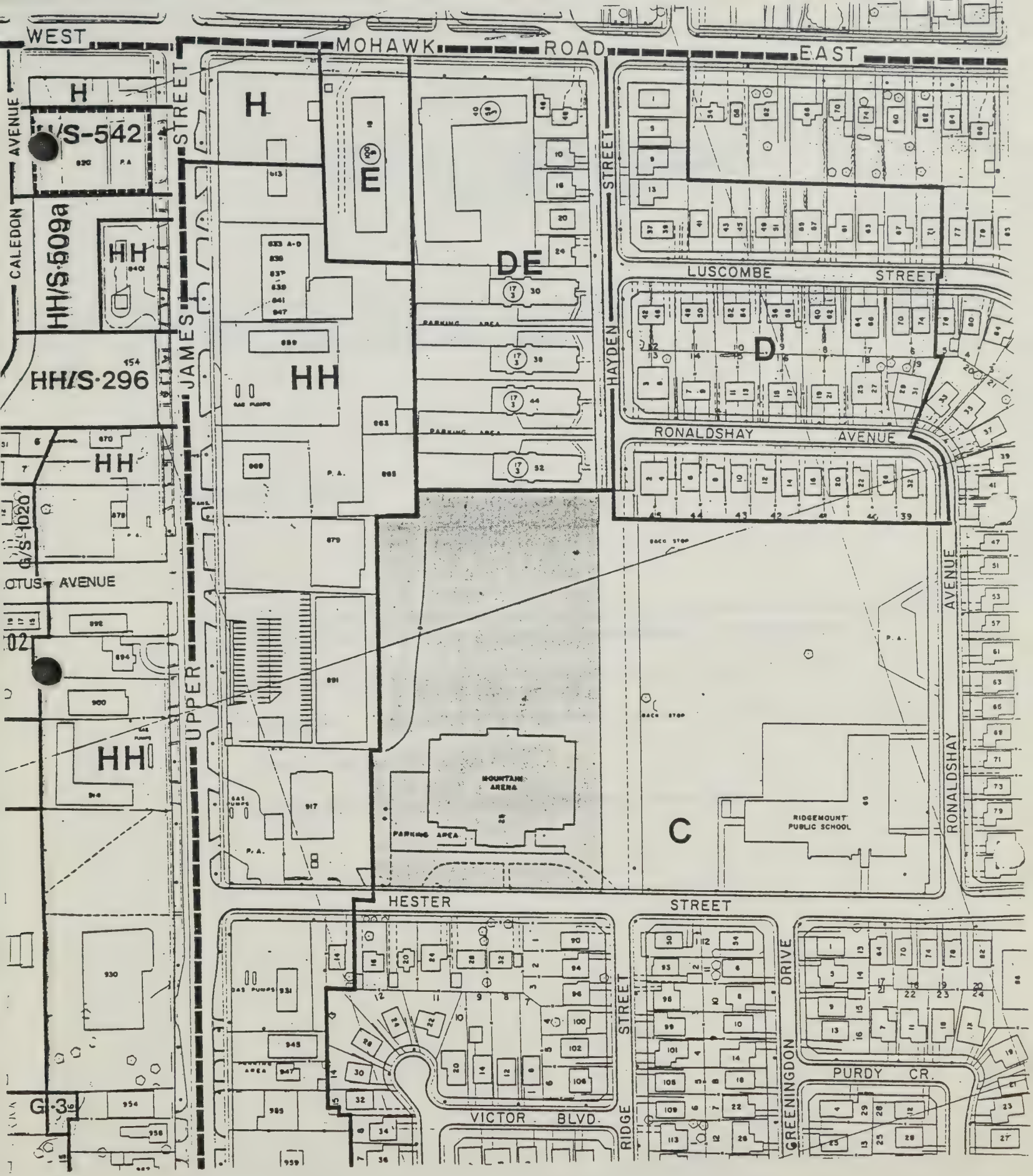
   iii) approval of the application would set an undesirable precedent in that any person could attempt to limit the use of City owned land simply by bringing forth an application for rezoning which may or may not be in the City's interests.

   iv) The application is premature until a Parks Master Plan and an associated review of zoning for parks and recreational facilities is undertaken by the City.

CONCLUSION

Based on the foregoing, the application cannot be supported.

MLT/ma
WPZA9057



Legend

Site of the Application

ZA 90-57

APPENDIX A

SEP 2 1 1990

APPENDIX "A" TO ZONING APPLICATION
VARIOUS CITY OF HAMILTON PROPERTIES
A. ROBERTSON & OTHERS

The application for zoning text amendment as submitted by Andy Robertson refers to the following City of Hamilton properties, ~~and abutting land where appropriate~~.

MOUNTAIN ARENA: 25 Hester St.
Zoned "C"

~~All City owned lands zoned for any degree of Residential use, including but not limited to lands zoned as follows~~

~~'B' 'B-1' 'B-2' 'C' 'R-4' 'D' 'DE'~~

~~'DE-2' 'DE-3' 'RT-10' 'RT-20' 'RT-30' 'E'~~

~~'E-1' 'E-2' 'E-3'~~

~~BUT WHICH ARE NOT USED FOR SUCH PURPOSE~~

Robertson

APPENDIX B

APPENDIX "B" TO ZONING APPLICATION
VARIOUS CITY OF HAMILTON PROPERTIES
A. ROBERTSON & OTHERS

Additional Background Information/justification of request

As it presently stands, Council have proposed substantial changes to the Mountain Arena which can materially affect the entire neighbourhood, the City's tax base, future capital projects, and other existing sport organizations, to a significant extent.

The manner in which they have proceeded is such that any protection normally available to nearby residents, and other affected taxpayers of the City, has been denied them.

In projects of such magnitude the City should be required to subject it's proposals to the closest public scrutiny. Recourse to all avenues of appeal, including the O.M.B. and beyond, should be available to any interested citizen.

The manner in which the proposed "Bubble" at Mountain Arena has been handled by Council is a significant departure from the "Norm" By these procedures Council has denied due process to affected and/or interested taxpayers.

Text amendments requiring such due process should be attached to the zoning of all other City of Hamilton properties so that maximum public input would be permitted and encouraged at all times.



APPENDIX B

APPENDIX "C" TO ZONING APPLICATION
VARIOUS CITY OF HAMILTON PROPERTIES
A. ROBERTSON & OTHERS

Requested By-Law text changes

That a "special requirement" by- law be prepared to limit the development of the Mountain Arena site (and all other City owned sites zoned for "Residential" purposes as set out in Addenda "A") to those improvements currently on the site, as of June 1, 1990.

All of the City properties, and other abutting City owned lands, should have "special requirements" appended to their zoning designation, limiting the use of the property to the improvements existing as of the date of this application.

Any proposed changes which go beyond these "special requirements" would therefore be subject to the normal zoning procedure applicable to other citizens facing a similar change.

Any By-law which permits the City to avoid the planning process normally required by other citizens, should be specifically addressed.

9.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: September 26, 1990
COMM. FILE:
DEPT. FILE: ZA-90-08
Landsdale
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a modification of Zoning - Nos. 610 and 612 King Street East.

RECOMMENDATIONS:

(A) That Zoning Application 90-08, Greg McMillan and Bob Frame, owners, requesting a modification of the established "H" (Community Shopping and Commercial, etc.) District regulations for property at Nos. 610 and 612 King Street East, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

(i) It represents an overintensification of use, in that the proposed dwelling units could not satisfy the basic requirements for conversion in the Zoning By-law which requires a minimum floor area of 65 m^2 for all dwelling units whereas the average minimum floor area proposed would be only 43.66 m^2 for the new units.

(ii) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law and change the character of the area.

(B) That approval be given to an amended Zoning Application 90-08, Greg McMillan and Bob Frame, owners, requesting a modification of the established "H" (Community Shopping and Commercial, etc.) District regulations for property at Nos. 610 and 612 King Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:

(a) that notwithstanding Section 14 of the Zoning By-law, a multiple dwelling containing a maximum of 12 dwelling units, shall be permitted within the existing building;

(b) that the 2 dwelling units located within the basement of the existing building shall have a minimum floor area of 65 m^2;

(c) that notwithstanding Section 18A TABLE 1(g), a minimum of 12 parking spaces shall be provided and maintained on the lot;

(d) that Sections 18A(1)(c) and (24)(b)(i) shall not apply to the multiple dwelling existing at the date of passage of this By-law;

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-13 be notated S- ;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-13 for presentation to City Council;

(iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(C) That By-law No. 79-275, as amended by By-law No. 87-233, establishing Site Plan Control, be amended by adding the subject lands to Schedule "A".

(D) That the amending By-law not be forwarded for passage by City Council until such time as the applicant APPLIES for and receives site plan approval.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations for property located at Nos. 610 and 612 King Street East, as shown on the attached map.

The effect of the By-law is to permit a multiple dwelling containing a maximum of 12 apartment units.

In addition, the By-law provides for the following variances as special requirements:

- to require a minimum floor area of 65 m^2 for the 2 apartment units established in the basement;
- to require a minimum of 12 parking spaces to be provided and maintained on the lot;
- to exempt the development from requiring one small loading space; and,

- to exempt the development from requiring an access driveway of a width of 5.5 m.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal:

  It is the applicants intention to legalize 4 additional apartment units within the basement of the existing building without providing the 5 required additional parking spaces for the new units. A total of 14 units are now established on the site.

- Zoning Verification Certificate:

  On March 16, 1987, the solicitor for the applicant requested and received a zoning verification certificate for Nos. 610 - 612 King Street East stating that the present and proposed use was a legally established ten unit apartment (see Appendix "B" and Appendix "C").

- Order To Comply:

  On October 11, 1989, the Building Department issued an Order to Comply for the subject property (see Appendix "D"). The order required the owner to reduce the occupancy from the current 14 dwelling units to 10 dwelling units or legalize the use.

  On January 10, 1990, the owners submitted this zoning application to legalize the 14 units. The 4 new apartment units were constructed without the benefit of a building permit.

  On the basis of information provided by the applicant, the four apartment units have floor areas of 240 sq. ft., 300 sq. ft., 620 sq. ft. and 720 sq. ft. Only 3 of the 20 occupants of the 14 units have cars and 6 occupants are over 65 years of age.

APPLICANTS:

- Greg McMillan, and
- Bob Frame, owners

LOT SIZE AND AREA:

An irregular shaped parcel of land having:

- 18.38 m (60.31 feet) of lot frontage on King Street East;
- 45.88 m (150.51 feet) of lot depth; and,
- 933.83 m^2 (10,052 sq. ft.) of lot area.

LAND USE AND ZONING:

Subject Lands:

	14 unit multiple dwelling	"H" (Community Shopping and Commercial, etc.) District

Surrounding Lands:

To the north	Commercial	"H" (Community Shopping & Commercial, etc.) District
To the south	Hamilton Victoria Curling Club Parking lot	"H" (Community Shopping and Commercial, etc.) District
To the east	Residential Care Facility	"H" (Community Shopping and Commercial, etc.) District
To the west	Mixed use Commercial/Residential development and the Hamilton Victoria Curling Club	"H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan, and subject to, among others, the following policies:

"A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.

In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:

(i) Residential uses subject to the following provisions:

(a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;

(b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized; and,

(c) satisfy the provisions of Subsections A.2.1 and C.7.

A.2.2.17 Residential uses may be permitted within EXTENDED COMMERCIAL areas without an amendment to the Plan where they will not restrict or interfere with the function of the primary permitted uses, and subject to the General Provisions of the Subsection."

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

(i) Provision and maintenance of adequate off-street parking, etc."

On the basis of the foregoing, the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

Designated for "COMMERCIAL and APARTMENTS" on the approved Landsdale Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED:

- The Building Department has advised that:

"(1) The proposed 14 apartments require 18 parking spaces. Shown are 12. (Car 13 would not be allowed).

(2) The proposed use is not allowed in the H zone.

(3) All alterations must conform to the Ontario Building Code.

(4) There is an Order to Comply on the property.

(5) A loading space is required."

- The Traffic Department has advised that:

"Certain conditions set out in the Zoning By-law are not being met. They are listed below.

(1) Fourteen units would require 18 parking spaces and they are showing only 13 spaces.

(2) The driveway to the parking area must be 18 feet wide and the present driveway is only 12 feet, 8 inches, with no room for expansion.

(3) A multiple dwelling containing 14 units requires one 3.7 m x 9.0 m loading space. There is inadequate room to accommodate this.

According to the information provided by the applicant there is a 63' x 71' parking area at the rear of the building. This is sufficient to provide 12 legal parking spaces. Given that the application deals with an existing building and does supply low rental housing, we would be prepared to accept the application on the condition that 12 parking spaces be supplied. This would give one parking space per dwelling unit. Also, our acceptance is tied to the existing building and its operation as set out in this application."

- The Hamilton-Wentworth Department of Public Health Services has advised that:

"We have reviewed the zoning application ZA-90-08 and the owner's reasons supporting his application for the four (4) newly created basement apartments.

The Hamilton Health By-law #4798 408(b) requires a ceiling height of at least 7' - 6" for rooms in human occupancy and 7' for basement washrooms. Section 409(c) (iii) requires 7' 6" ceiling height in bedrooms.

The owner is in receipt of our legal notices, dated November 15, 1989, outlining the ceiling height violations in the four (4) basement apartments in question. Subsequent inspections after the thirty (30) day correction time period stipulated in the notices revealed no change in these ceiling heights (6' 8"). As a result, court proceedings are being considered.

Further to receiving the above comments, the Health Department verbally advised that they would be prepared to grant a variance to the ceiling height provisions of the Health By-law for two dwelling units if this applicant applies for the necessary Building Permits.

- The Hamilton Region Conservation Authority and the Hamilton Wentworth Regional Police Department have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

... public watermains and combined sewers available to service the subject lands.

In the absence of any details shown, we advise that any works within the King Street road allowance must conform to the Region's Road Use By-law.

The Traffic Department is to comment on access design since the existing driveway width is only 3.65 m."

COMMENTS:

(1) The proposal complies with the intent of the Official Plan.

(2) The proposal complies with the intent of the approved Landsdale Neighbourhood Plan.

(3) The application as submitted cannot be supported for the following reasons:

(a) The proposal represents an overintensification of use in that it could not satisfy the basic requirements for conversion under the Zoning By-law, (Sections 14 and 19). In both cases, they would require an average minimum floor area of 65 m^2 for all dwelling units whereas the average size of the 4 new units is only 43.66 m^2.

(b) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law, change the character of the area, and would condone the actions of illegally converting dwellings.

(4) On the basis of information provided by the Health Department on this matter, the Health By-law requires a ceiling height of at least 7' 6" for rooms in human occupancy and 7' 0" for basement washrooms. The ceiling height in question is only 6' 8". Section 409(c) (iii) requires 7' 6" ceiling height in bedrooms. It should be noted that the requirements of the Health By-law are currently under review, and in the future will be regulated under the provisions of the Ontario Building Code. Currently, when an application for a building permit is filed and where the circumstances involve reductions in ceiling heights, as is the case in question, the Health Department would review the circumstances involved and may grant a variance to the ceiling height. In this case, had the applicant proceeded through proper channels, the Health Department was prepared to grant a variance to the ceiling height.

(5) Consideration could be given to an amended application to provide for a maximum of 12 apartment units for the following reasons:

(a) A reduction to 12 units would satisfy the minimum floor area requirement for conversion of dwelling units under Section 19 and Section 14 (1b) of the Zoning By-law providing for units in excess of 65 m^2;

(b) The Health Department is prepared to support a variance to the ceiling height requirements of the Health By-law provided that the applicant applies for a building permit;

(c) The Traffic Department is prepared to support a reduction in parking from 18 spaces to 12 spaces or one for each dwelling unit. The driveway width and loading space requirements represent an existing non-conforming situation.

(d) The dwelling units are located within close proximity to the downtown core area where a range of residential uses are encouraged to locate;

(e) It does provide for rental housing for lower income groups which is in relatively short supply;

(f) It is located on a public transit route;'

(g) It is within close proximity to community services such as shopping, medical, religious and cultural activities;

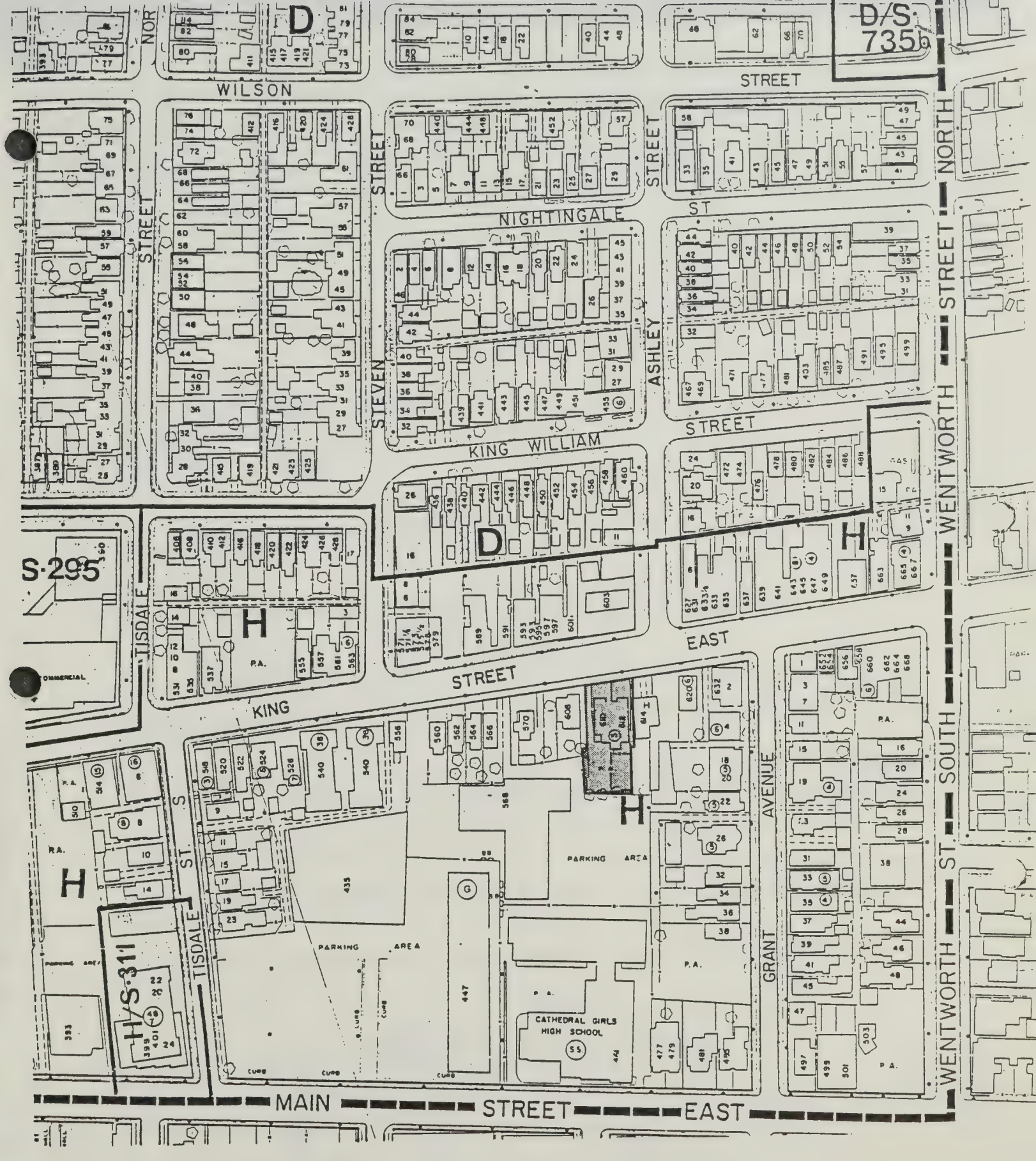
(h) It would be compatible with existing development in this area comprising multiple residential and commercial development.

(6) Lands within the "H" (Community Shopping and Commercial, etc.) District are not subject to site plan control. Given the need for a review of the parking layout, it would be appropriate to amend the Site Plan Control By-law by adding the subject lands to Schedule "A". In this regard, matters related to parking, landscaping, fencing, grading, etc., can be further reviewed at the site plan control stage of development.

CONCLUSION:

On the basis of the foregoing, the application, as submitted, should be DENIED. Approval can be given to an amended zoning application to provide for a maximum of 12 dwelling units.

GW/ll
Attach.
ZA-90-08



LEGEND

SITE OF THE APPLICATION

ZA 90-08

APPENDIX A

HOWARD M. HINES Q.C.
DAVID A. STEVENS B.A. LL.B

TEL (416) 627-1531-2
627-9696

HINES & STEVENS
BARRISTERS, SOLICITORS & NOTARIES PUBLIC
P.O. BOX 8280 161 KING ST. W.
DUNDAS ONTARIO CANADA
L9H 5G1

26155.

PLEASE REFER TO FILE NO.
87/1048 DS

March 16, 1987

3000

A 687 3000 CHQ

A 687 3000 CHQ

City of Hamilton - City Hall
Department of Buildings
71 Main Street West
Hamilton, Ontario
L8P 1H5

Attention: Building Department

Dear Sirs:

Re: Property: 610-612 King St. East, Hamilton
Vendors: GOMBOS, Bela & Leda
Purchasers: FRAME, Robert J.
Closing: April 1, 1987

Please be advised that we are the solicitors for the above noted purchasers.

Prior to closing, we would ask that you advise us as to whether there are outstanding work orders against the subject property.

In the event that there are work orders outstanding, kindly supply us with same.

Would you also kindly provide us with a zoning verification certificate.

We enclose herewith our firm cheque in the amount of $60.00 your fee herein.

Yours very truly,

HINES & STEVENS

Per:

David A. Stevens

CITY OF HAMILTON
DEPARTMENT OF BUILDINGS
60.00
MAR 19 1987
REC. BY ____ DATE ____
REF'D TO ____ DATE ____
REF'D TO ____ DATE ____
REF'D TO ____ DATE ____

DAS:mg
Encl.

O.K.

APPENDIX B

ZV

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS
CITY HALL HAMILTON, ONTARIO 526-2720

FILE NO. 3000

1686

ZONING VERIFICATION CERTIFICATE

1686

610 - 612 KING STREET EAST, HAMILTON
STREET MUNICIPAL NO LOT NO SIDE OF STREET

BETWEEN STREET AND STREET

OWNER GOMBOS, Bela & Leda ADDRESS not known

PROPOSED USE (BE SPECIFIC) ten unit apartment

NUMBER OF DWELLING UNITS 10

NOTE: FOR BUILDING LOCATION EXAMINATION INCLUDE TWO ORIGINAL SURVEY PLANS.

EXISTING BUILDING [X] PRESENT USE ten unit apartment

PROPOSED BUILDING [ ] SURVEY ATTACHED YES [ ] NO [ ]

VACANT LAND [ ] SIGNATURE

INFORMATION REQUESTED BY AND ADDRESS TO WHICH CERTIFICATE WILL BE RETURNED:

NAME Hines & Stevens
ADDRESS P. O. Box 8280, 161 King St. West
Dundas, Ontario
L9H 5G1

DATE March 16, 1987

BELOW THIS LINE FOR BUILDING DEPARTMENT USE ONLY

THE RECORDS ON FILE IN THE DEPARTMENT OF BUILDINGS. ON THIS DATE, THIS PROPERTY IS LOCATED IN A H DISTRICT.

SEE SECTION 14 OF ZONING BYLAW 6593 AS AMENDED XXXXXXXXX ------

OR COMMITTEE OF ADJUSTMENT No --------- DISTRICT MAP No. E13

THE PROPOSED USE IS PERMITTED [ ] IS NOT PERMITTED [ ] IS A LEGALLY ESTABLISHED NON CONFORMING USE [X]

THIS PROPERTY IS CONTROLLED BY A DEVELOPMENT AGREEMENT XXXXXXXX

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

FILE NO:

ORDER TO COMPLY

ISSUED TO	LOCATION
Greg McMillan	610-612 KING STREET EAST (RES)
92 Debora Drive	HAMILTON, Ontario.
GRIMSBY, Ontario	
L3M 4J3	

TAKE NOTICE THAT THE use

AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY LAW(S) AS OUTLINED BELOW:

ITEM	REFERENCE	DESCRIPTION
1.	City of Hamilton	The building is being used as a 14-dwelling
	Zoning By-Law 6593	unit.
	as amended,	
	Section 14	REQUIREMENT TO COMPLY:
		Reduce occupancy to a 10-dwelling unit
		or legalize the present use.
		"Pursuant to The Residential Rent Regulation Act, 1986, a copy of this Order may be sent to the Residential Rental Standards Board in accordance with Section 15(1)(e)

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION ARE HEREBY ORDERED TO COMPLY FORTHWITH/WITHIN [illegible]

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATION/BY LAW

REGISTERED MAIL	Oct. 11/89	M. Oprolu, 526-3084	Oct. 11/89
RECEIVED BY	DATE	INSPECTOR	DATE

PHONE DIRECT 526-2782

FORM 4

APPENDIX D

10.

FOR ACTION

TO:	**SUSAN K. REEDER, SECRETARY PLANNING AND DEVELOPMENT COMMITTEE**	**DATE:**	**September 25, 1990**
		COMM FILE:	
		DEPT FILE:	**25T-90001 ZA-90-09**

FROM: **J. D. THOMS, COMMISSIONER PLANNING AND DEVELOPMENT DEPARTMENT**

SUBJECT: **Proposed Draft Plan of Subdivision, "Claudette Gardens" Proposed Rezoning Application**

RECOMMENDATION:

1. Subdivision Application

A) That approval be given to Application 25T-90001, 880640 Ontario Inc., c/o T. DiSilvestro, owner, to establish a draft plan of subdivision on the west side of Garth Street north of Rymal Road West, subject to the following conditions.

1. That approval apply to the plan prepared by Urbex Management Ltd., dated June 14, 1990, revised to show 129 lots, 4 blocks (Blocks "131" to "134") for development with adjacent land, 2 blocks (Blocks "136" and "137") as road widenings and daylight triangle, Block "135" for multiple housing (Townhouses), Block "130" as part of a road and Block "139" as a 0.3m reserve.

2. That the street, the daylight triangles and the road widenings be dedicated to the City of Hamilton as public highways on the final plan.

3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

4. That the final plan conform to the zoning by-law approved under The Planning Act.

5. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

6. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block on the final plan.

7. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes.

8. That the owner dedicate sufficient lands to the City of Hamilton to establish the property line at 18.29m from the centreline of the original Garth Street road allowance.

9. That the owner dedicate sufficient lands to the City of Hamilton to establish a 12.19m x 12.19m daylight triangle between the widened limit of Garth Street and Claudette Gate.

10. That access to Lots 13 and 90 is to be from the internal streets only and not Garth Street. The width of Lot 13 must be great enough to allow a 3.0m to 4.0m wide access along the west limit of the lot, outside of the daylight triangle.

11. That the owner establish the road allowance for Claudette Gate at 26.21m from the widened limit of Garth Street for a distance of 90.0m and the road allowance of Street "A" from the 90.0m point to Lot 28 is to be established at 20.117m.

12. That the owner eliminate the "back to back" curves on Street "A" and realign the street so that there are symmetrical road widenings on each side of the road to allow Street "A" to align centreline to centreline with Claudette Gate.

13. That Street "B" align centreline to centreline with Roland Drive on Plan M-131 and be established with a width of 20.117m (66 feet).

14. That the owner dedicate sufficient lands to the City of Hamilton to establish 2.0m x 2.0m daylight triangles on Lots 28 and 116.

15. That the owner dedicate Block "130" to the City of Hamilton as a public roadway on the final plan.

16. That the cul-de-sac bulbs be established with a 15.0m radius with a 9.0m radius transition into and out of the cul-de-sac bulbs.

17. That Lots 127, 128 and 129 be arranged in a "Pie Shaped" manner to conform to the Neighbourhood Plan and the 20.117m bend in the road pattern that is to be established in the "Rymal Estates" (25T-83017) final plan of subdivision.

18. That driveways on Lots 13, 14 and 15 be located at the extreme west side of each lot.

19. That all lots and blocks on the plan not be registered until the municipal services for the lands to the west and the lands to the south have been approved for construction.

20. That the owner shall erect a sign in accordance with Section XI of the subsequent subdivision agreement prior to the issuance of a final release by the City of Hamilton.

21. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

B) That the subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-90001), 8000640 Ontario Inc., c/o T. DiSilvestro, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

2. Rezoning Application

That approval be given to amended Zoning Application 90-09, 880064 Ontario Inc. (T. DiSilvestro), owner, for a change in zoning from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc.) Holding District for Blocks "1", "2", and "3", from "AA" (Agricultural) District to "R-4" - "H" (Small Lot Single-Family Detached) Holding District for Block "4", from "AA" (Agricultural) District to "RT-20" - "H" (Townhouse - Maisonette) Holding District for Block "5", and from "B-2" (Suburban Residential) District to "C" - "H" (Urban Protected Residential, etc.) Holding District for Block "6", to permit future development of the subject lands for single-family homes (Blocks "1", "2", "3", and "6"), small lot single-family detached homes (Block "4"), and townhouses or maisonettes (Block "5"), for property located at No. 480 Rymal Road West:

i) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act, to the subject lands, by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until municipal sewers are installed.

Removal of the holding restriction shall be conditional upon the installation of all such municipal sewers serving the subject lands as the City deems necessary and passage of an amending by-law. City Council may remove the "H" symbol, and thereby give effect to the "C", "R-4", and "RT-20" District provisions as stipulated in this By-law by enactment of an amending by-law once municipal sewers have been installed.

ii) That Blocks "1", "2", and "3" be rezoned from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc.) Holding District;

iii) That Block "4" be rezoned from "AA" (Agricultural) District to "R-4" - "H" (Small Lot Single-Family Detached) Holding District;

iv) That Block "5" be rezoned from "AA" (Agricultural) District to "RT-20" - "H" (Townhouse-Maisonette) Holding District;

v) That Block "6" be rezoned from "B-2" (Suburban Residential) District to "C" - "H" (Urban Protected Residential, etc.) Holding District;

vi) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-Law No. 6593, applicable to Block "5", be modified to include the following variances as special requirements:

a) That Section 10E(2)(a)3 shall not apply;

b) That a visual barrier of not less than 1.2 m in height and not more than 2.0m in height be provided and maintained along the northerly and westerly boundaries of Block "5".

vii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-27D be notated S- ;

viii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-27D for presentation to City Council;

ix) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

x) That the Falkirk East Neighbourhood Plan be amended by redesignating Block "5" from "SINGLE AND DOUBLE RESIDENTIAL" to "ATTACHED HOUSING".

EXPLANATORY NOTE

The amending By-law establishes the holding provisions of Section 35(1) of the Planning Act, on the subject lands, by introducing the holding symbol "H" as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until municipal sewers are installed. Removal of the holding restriction shall be conditional upon the installation of all such municipal sewers as the City deems necessary and the passage of an amending By-law by the City Council to remove the "H" symbol, and thereby give effect to the "C", "R-4", and "RT-20" District provisions as stipulated in the amending By-law outlined below.

The purpose of the By-law is to provide for the following changes in zoning for property at No. 480 Rymal Road West.

Blocks 1, 2 and 3	-	Change from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc.) Holding District;
Block 4	-	Change from "AA" (Agricultural) District to "R-4" - "H" (Small Lot Single-Family Detached) Holding District;
Block 5	-	Change from "AA" (Agricultural) District to "RT-20" - "H" (Townhouse-Maisonette) Holding District;

Block 6 - Change from "B-2" (Suburban Residential) District to "C" - "H" (Urban Protected Residential, etc.) Holding District.

The effect of the By-law is to permit future development of the lands in the following manner:

Blocks 1, 2, 3 and 6 - single-family homes;

Block 4 - small lot single-family detached homes;

Block 5 - townhouses or maisonettes.

In addition, the By-law provides for the following variances as special requirements, for Block "5" only:

- no street townhouses shall be permitted;
- a visual barrier of not less than 1.2m in height and not more than 2.0m in height shall be provided and maintained along the northerly and westerly boundaries of Block "5".

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

A. L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

8000640 Ontario Inc., c/o T. DiSilvestro, Hamilton, Ontario

Surveyor:

MacKay, MacKay & Peters, Hamilton, Ontario

Agent:

May, Pirie and Associates Limited, Burlington, Ontario

Location:

The lands, comprising 9.3 ha, are located on the west side of Garth Street, north of Rymal Road West in the Falkirk East Neighbourhood, City of Hamilton.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"AA" (Agricultural) District and "B-2" (Suburban Residential) District
Surrounding Lands		
to the north	single-family homes and townhouses	"B-2" (Suburban Residential) District and "RT-20" (Townhouse-Maisonette) District, modified
to the south	vacant	"AA" (Agricultural) District
to the west	vacant	"AA" (Agricultural) District, "C" (Urban Protected Residential, etc.) District, and "R-4" (Small Lot Single-Family Detached) District
to the east	institutional	"AA" (Agricultural) District

SUBDIVISION PROPOSAL

The owner proposes to subdivide the lands into 89 lots for single-family dwellings, 41 lots for zero lot line, single-family dwellings, 4 blocks for development with adjacent lands, one block for townhouses and two blocks for road widening. The minimum lot size proposed for zero lot line lots have a width of 10.0m and an approximate area of 300m^2 and for other residential lots 12.0m and an approximate area of 360m^2.

REZONING PROPOSAL

The applicant is proposing a comprehensive development of the lands for residential purposes. This includes 89 single-family detached building lots (Blocks "1", "2", "3", and "6"), 41 small lot single-family detached dwellings (Block "4"), and one block of townhouses or maisonettes fronting onto Garth Street (Block "5").

Zoning Application 88-41

At its meeting of August 17, 1988, the Planning and Development Committee denied this application for development of the subject lands for 1,000 multiple dwelling units (townhouses and/or apartments) and 6 single-family dwelling units.

City Council, at its meeting of August 30, 1988, adopted the recommendation of the Planning and Development Committee.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated for single and double residential units and require an amendment to change Block "135" to attached housing which would permit townhouse development.

Zoning - the lands are zoned "AA" (Agricultural) District and "B-2" (Suburban Residential) District. An amendment to the zoning by-law is required to permit the proposed development.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION

1. Subdivision Application

The following agencies have advised they have no comments or objection to the proposal:

- Ministry of Transportation;
- Ministry of Natural Resources;
- Ministry of the Environment (subject to standard noise condition);
- Ministry of Culture and Communications (subject to standard condition);
- Hamilton Region Conservation Authority and Niagara Peninsula Conservation Authority;

- Union Gas, Bell Canada, Ontario Hydro;
- City of Hamilton Board of Education;
- City of Hamilton Building Department (subject to rezoning).

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"For information:

1. Public watermains are available on Garth Street and Roland Avenue to service the proposed development.

2. There are no existing municipal services (water, storm and sanitary sewers) on Claudette Gate to service Lots 13 to 17. These lots are to be serviced from the west when services are extended along Street "A".

3. Comments from City of Hamilton Traffic Department with respect to the offsets in Street "D" and Benvenuto Crescent of Rymal Estates subdivision, at their intersection with Street "A", should be considered.

4. The approved Neighbourhood Plan for the Falkirk East Neighbourhood shows single-family housing in the area shown as Block "135". Should the block development be approved as shown, the access location to Block "135" from Garth Street will be restricted due to the vertical crest curve on Garth Street. Should Block "135" be changed and developed as single-family housing, individual access to Garth Street will not be permitted.

Recommendations:

1. The owner is to dedicate sufficient lands to the City of Hamilton to establish the property line at 18.29m from the centreline of the original Garth Street road allowance.

2. The owner is to dedicate sufficient lands to the City of Hamilton to establish a 12.19m x 12.19m daylight triangle between the widened limit of Garth Street and Claudette Gate.

3. Access to Lots 13 and 90 is to be from the internal streets only and not Garth Street. The width of Lot 13 must be great enough to allow a 3.0m to 4.0m wide access along the west limit of the lot, outside of the daylight triangle.

4. The owner is to establish the road allowance for Claudette Gate at 26.21m from the widened limit of Garth Street for a distance of 90.0m and the road allowance of Street "A" from the 90.0m point to Lot 28 is to be established at 20.117m.

5. The owner is to eliminate the "back to back" curves on Street "A" and realign the street so that there are symmetrical road widenings on each side of the road to allow Street "A" to align centreline to centreline with Claudette Gate.

6. Street "B" is to align centreline to centreline with Roland Drive on Plan M-131 and be established with a width of 20.117m (66 feet) to match the existing road allowance on Roland Drive.

7. The owner is to dedicate sufficient lands to the City of Hamilton to establish 2.0m x 2.0m daylight triangles on Lots 28 and 116.

8. The owner is to dedicate Block "130" to the City of Hamilton as a public roadway on the final plan.

9. The cul-de-sac bulbs are to be established with a 15.0m radius with a 9.0m radius transition into and out of the cul-de-sac bulbs.

10. Lots 127, 128 and 129 must be arranged in a "Pie Shaped" manner to conform to the Neighbourhood Plan and the 20.117m bend in the road pattern that is to be established in the "Rymal Estates" final plan of subdivision.

11. The owner is to establish a 0.3m reserve along the rear of Lots 42, 43, 44, 45 and Block "134" at the points where they meet the Garth Street road allowance and this reserve is to be transferred to the City of Hamilton.

12. The owner is to establish a 0.3m reserve at the south limit of Street "D" for the entire width of Street "D" and this reserve is to be transferred to the City of Hamilton.

13. The owner is to include the words "Road Widening" with Block "136" and "137" on the final plan.

14. Lots 1 to 66 and Lots 117 to 130, on the plan are not to be registered until the final plan for the lands to the west (Rymal Estates) has been registered.

15. Lots 67 to 116 and Blocks "132" to "135" on the plan are not to be registered until the final plan for the lands directly to the south have been registered.

16. The owner must enter into Subdivision Agreements with the City and Region prior to the development of any portion of these lands.

The submitted plan as prepared by Urbex Management Limited and dated June 14, 1990 (stamped June 18, 1990) is satisfactory to the Department of Engineering subject to the above-noted comments and recommendations."

The City Department of Traffic Services has submitted the following comments and recommendations:

"In response to your letter of June 19, 1990, please be advised that we have reviewed the above-noted application and have the following comments.

We do not agree to the arrangement of Lots 127, 128 and 130 because they do not have direct roadway access. We would not support the extension of street "A" to service these lots because the street would be a dead-end resulting in problems for snow removal and garbage pickup. We suggest modifying these lots.

We recommend that, as a condition of approval, the driveways for Lots 13, 14 and 15 must be located at the extreme west side of each lot."

2. Rezoning Application

The following agencies have no comment or objection:

- Hamilton Region Conservation Authority; and,
- Hamilton-Wentworth Regional Police Department.

The Building Department has advised that:

"Detailed plans are required before comments can be made."

The Traffic Department has advised that:

"We support the approved Falkirk East Neighbourhood Plan which designates this block of land as single and double residential. We do not support street townhouses having direct access to Garth Street.

If this application is being considered for approval, we suggest that consideration be given to redesigning the access to Block "3". We suggest that access be moved from Street "B" to Street "A" which will then give access to Garth Street at a future signalized intersection.

A second counter proposal would be to relocate Block "3" entirely so that it would be located at the corner of Garth Street and Street "A". This proposal would address the potential concern resulting from the direct access from the street townhouses to the future signalized neighbourhood collector (Street "A") adjacent to the signal.

In either of the above proposals, street townhousing should be specifically prohibited from obtaining direct access to Garth Street."

And further advised:

"Further to our letter dated March 16, 1990, please be advised that a revised subdivision application for this area has been submitted and reviewed by us.

As stated previously, if a townhouse block is to be provided in this area, we would prefer it to be located adjacent to Claudette Gate. We would however accept the current proposal on the condition that street townhouses be specifically prohibited from obtaining direct access to Garth Street. In addition, the first three lots along Claudette Gate, from the intersection with Garth Street, should have their access points restricted to the extreme western portion of their respective Claudette Gate frontages."

COMMENTS:

1. This report deals with and includes recommendations in regard to a proposed draft plan of subdivision and a proposed amendment to the Zoning By-law to implement the plan.

2. As no part of the subject land is designated for park or recreational use in the approved Neighbourhood Plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.

3. The plan has been revised as requested by the Regional Department of Engineering and City Department of Traffic Services.

4. The proposal has merit and can be supported for the following reasons:

   i) it would be compatible with the existing and proposed development of this area;

   ii) it provides for a comprehensive development of the subject lands, and,

   iii) the requested Zoning Districts are appropriate for the subject developments.

   The Hamilton-Wentworth Engineering Department has advised, through comments regarding the subdivision, that the subject lands will not be serviced until 1993. In this regard, it would be appropriate that the lands be subject to Section 35(1) of the Planning Act, whereby Council may, in a By-law, use a holding symbol "H" in conjunction with any Zoning District and specify the use to which lands, buildings, or structures may be put at such time in the future as the holding symbol is removed by an amendment to the By-law.

5. With regard to the change in zoning, the following special requirements should be provided:

   i) Street Townhouses

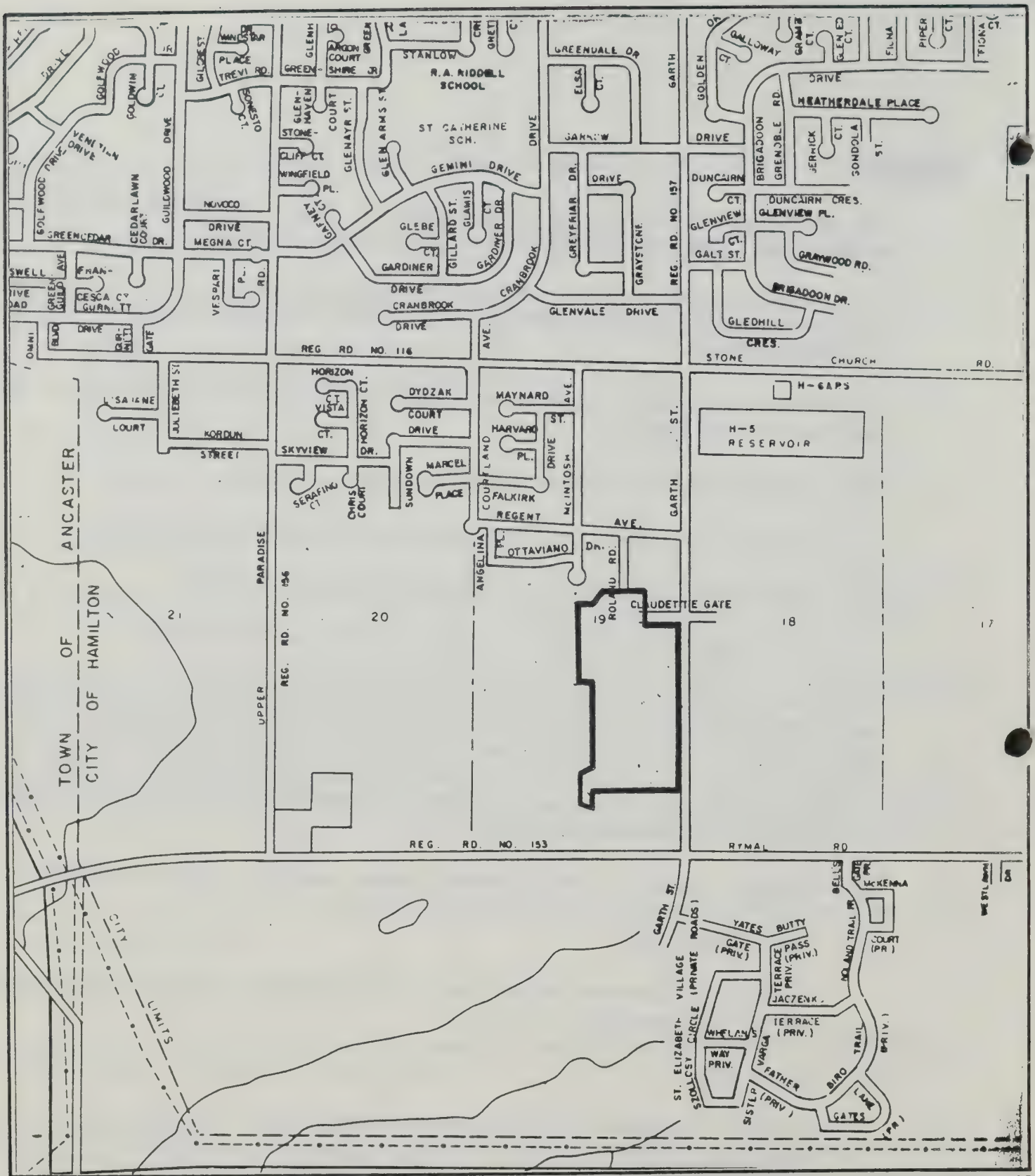
      In light of the comments received from the Traffic Department, it would be appropriate to prohibit street townhouses from Block "5".

   ii) Visual Barrier

      As Block "5" adjoins future single-family dwellings to the north and west, it would be appropriate to require a visual barrier of not less than 1.2m and not more 2.0m in height be provided and maintained along the northerly and westerly boundaries of Block "5".

6. The "RT-20" (Townhouse-Maisonette) District (Block "5") is subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223. Matters such as access, landscaping, parking, etc. will be addressed at that stage of development approval.

JLS/MLT/jd/ns
ACMEM90.01



Location Plan For

CLAUDETTE GARDENS

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	1" = 1000	25T-90001
	Date	Drawing No.
	JAN. 15, 1990	

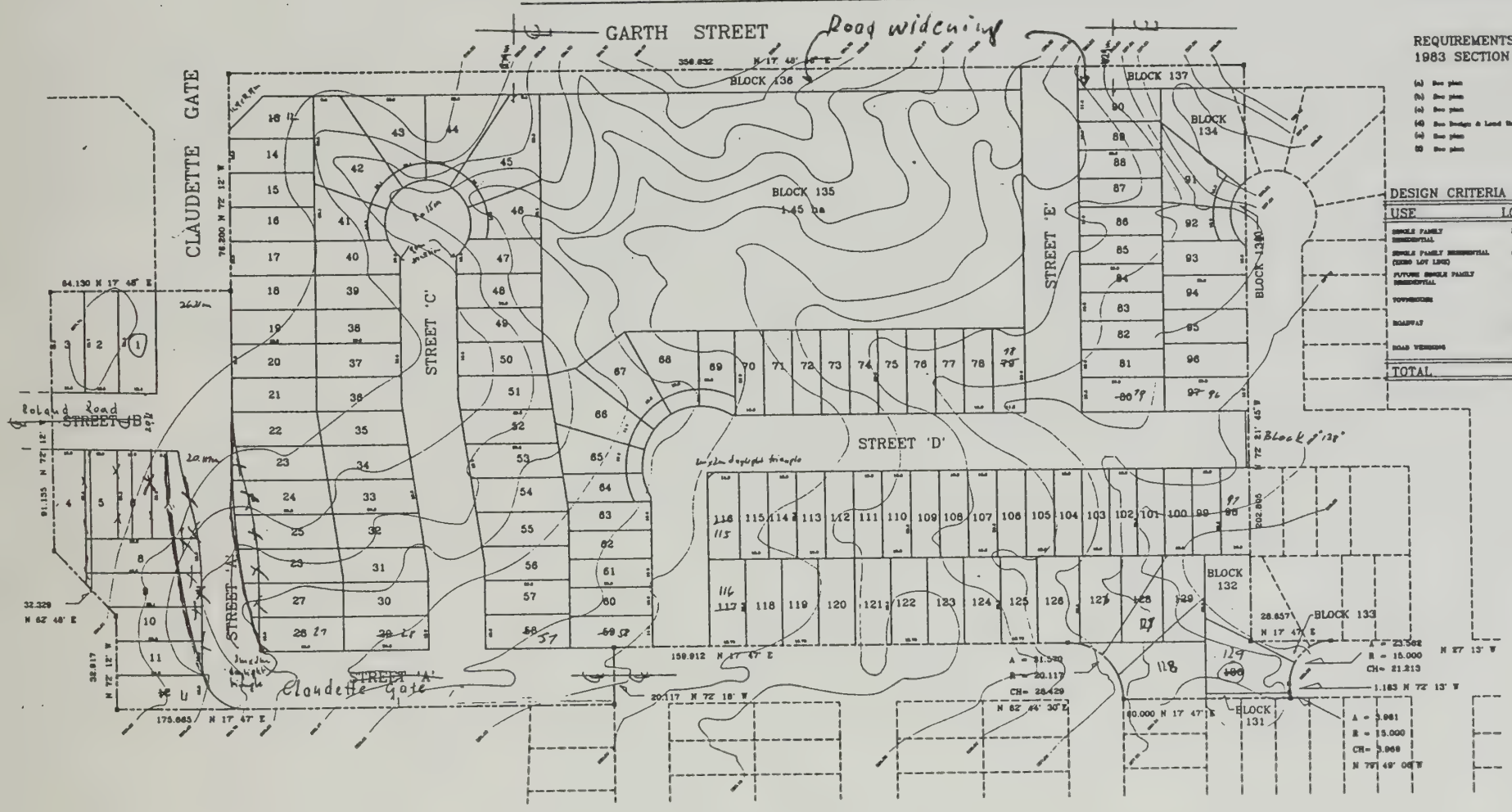
CLAUDETTE GARDENS

DRAFT PLAN OF SUBDIVISION

BEING PART OF LOT 19, CONCESSION 8, FORMERLY IN THE TOWNSHIP OF BARTON, NOW IN THE CITY OF HAMILTON, REGIONAL MUNICIPALITY OF HAMILTON – WENTWORTH

REQUIREMENTS OF THE PLANNING ACT, 1983 SECTION 50 (2)

(a) the plan
(b) the plan
(c) the plan
(d) the plan
(e) the Bridge & Land the Subdivision
(f) the plan
(g) the plan
(h) the plan
(i) the plan
(j) the plan
(k) the plan
(l) the plan
(m) the plan
(n) the plan
(o) the plan



DESIGN CRITERIA AND LAND USE SHEDULE

USE	LOT/BLOCK	AREA(ha)
SINGLE FAMILY RESIDENTIAL	LOTS 1–66,91–97,117–130	5.17
SINGLE FAMILY RESIDENTIAL (ZERO LOT LINE)	66–90, 98–116	1.57
FUTURE SINGLE FAMILY RESIDENTIAL	BLOCK 131–134	0.27
TOWNHOUSES	BLOCK 135	1.45
ROADWAY	STREETS A–E BLOCK 136	0.51
ROAD WIDENING	BLOCKS 136–137	0.27
TOTAL		8.00

NO.	REVISIONS	DATE

BENCHMARK:

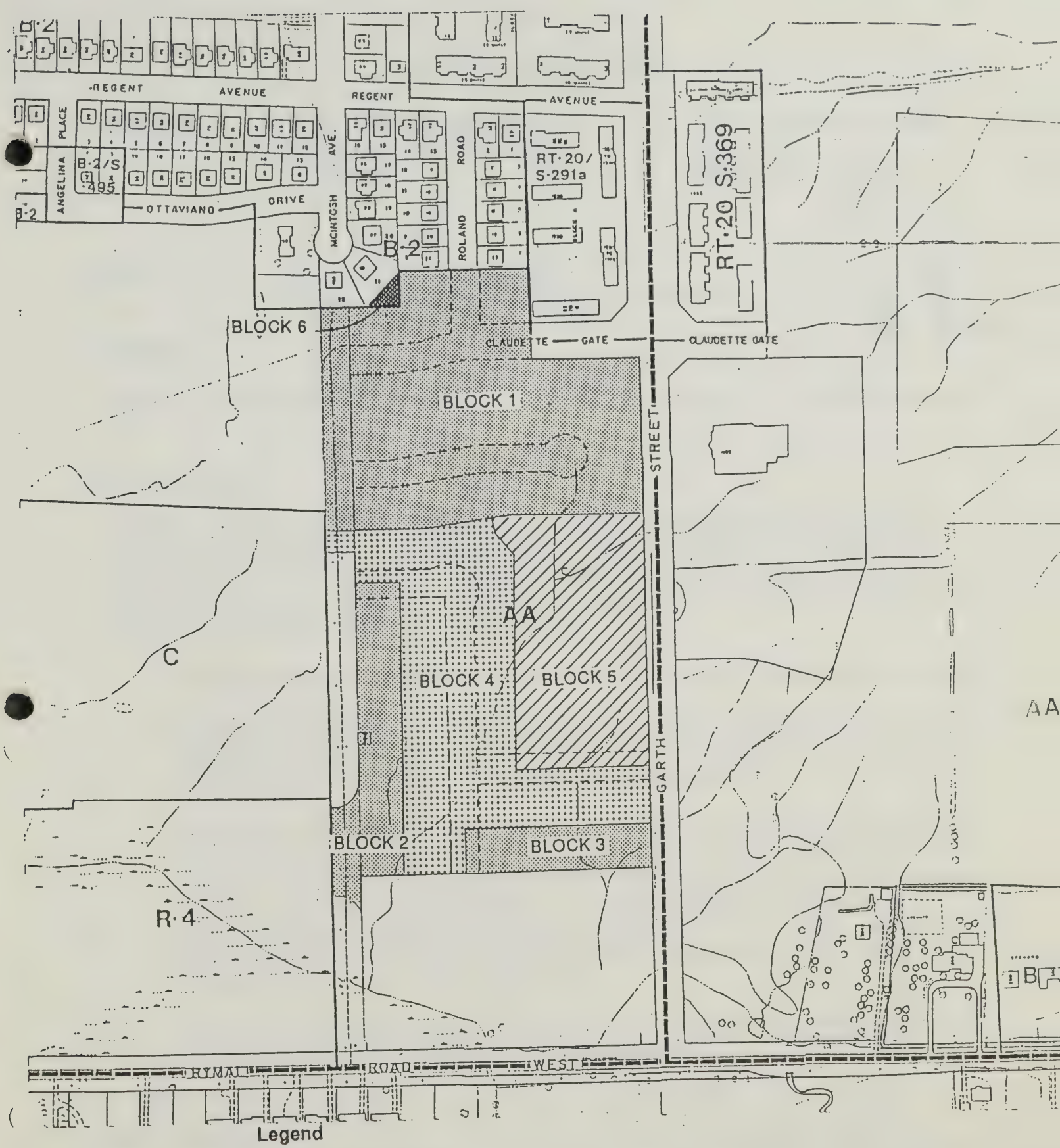
SCALES
HORIZONTAL : 1 : 750
VERTICAL :

CLAUDETTE GARDENS

URBEX MANAGEMENT LTD.
HAMILTON ONTARIO

DATE: JUNE 14, 1990
DRAWING NO.

File Copy
25T-900



Legend

Proposed change in zoning from:

BLOCKS 1,2,3		"AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.
BLOCK 4		"AA" (Agricultural) District to "R-4" (Small Lot Single - Family Residential) District.
BLOCK 5		"AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District.
BLOCK 6		"B-2" (Suburban Residential) District to "C" (Urban Protected Residential, etc.) District.

ZA 90 - 09

APPENDIX A

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: September 26, 1990
COMM. FILE:
DEPT. FILE: ZA-90-56
Allison
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

11.

SUBJECT:

Request for a further modification to zoning and an Official Plan Amendment - No. 30 Rymal Road East.

RECOMMENDATION:

That Zoning Application 90-56, P. Mancini, P. and J. Zourntos, P. Hatzoglou and A. Tuite, owners, requesting a further modification to the established "G-4" (Designed Neighbourhood Shopping Area) District regulations and an Official Plan Amendment to permit a maximum of three (3) restaurant uses within the shopping plaza, located at No. 30 Rymal Road East, as shown on the attached plan marked as APPENDIX "A", be **DENIED** for the following reasons:

i) It conflicts with the intent of both the Official Plan and the proposed Allison Neighbourhood Plan.

ii) It conflicts with established policy of Planning and Development Committee and City Council not to support high traffic generating type uses on this site, and the applicant has not submitted any additional or new information to justify changes to the established policy.

iii) It represents an over intensification of land use in that 60% of the plaza would be devoted to restaurant uses (2 or 3 separate restaurants). If the number of parking spaces required was calculated using the restaurant requirement instead of the Shopping Centre ratio, the proposal would need approximately 90 spaces (based on the seating capacity for 544 persons), as opposed to 38 spaces. Eighty-two (82) spaces are provided for the entire site. Accordingly, the proposed restaurant uses will result in spill-over parking and associated traffic movements onto the adjacent residential areas which is undesirable.

iv) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and Zoning By-law.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- Current Proposal:

  The applicants' wish to amend the provisions of By-law No. 89-246 and Official Plan Amendment No. 76 to permit two (2) or three (3) restaurant uses within a shopping plaza (under construction). In support of this application, the applicants' agent has submitted a letter (see APPENDIX "B") outlining reasons to justify approval of the application.

- Official Plan Amendment No. 76:

  On May 9, 1989, City Council passed By-law No. 89-162 to adopt Official Plan Amendment No. 76 which redesignated the subject lands from "RESIDENTIAL" to "COMMERCIAL", and established Special Policy Area 46. The effect of the Special Policy Area is to prohibit high traffic generating type uses (i.e., restaurants), and to prohibit vehicular access to and from Ryckman Street. In addition, landscaping and buffering are required to be provided to mitigate effects on adjacent residential uses.

- By-law No. 89-246:

  On August 29, 1989, City Council passed By-law No. 89-246 which rezoned the subject lands from "B" (Suburban Agriculture and Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Area) District, modified. The effect of the By-law is to permit development of the subject land for a neighbourhood shopping plaza. In addition, the By-law provides for the following variances as special requirements:

  a) to prohibit a restaurant or refreshment room without any dancing or other entertainment except music;

  b) to provide a minimum 3.0 m wide planting strip along the southerly and easterly property lines;

  c) to provide a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height along the boundary of the southerly property line;

  d) to provide a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height within the required 3.0 m wide planting strip along the easterly property line; and,

  e) to prohibit vehicular access to and from Ryckman Street.

- Development Application:

  At its meeting held on December 18, 1989, the Planning and Development Committee considered and approved Site Plan Control Application DA-89-79 to permit a 1 storey, 1,619 m^2

shopping plaza development on the site, which has a lot area of 0.60 ha. (1.49 ac.) and which provides for a total of 82 parking spaces (see APPENDIX "C").

- Previous Zoning Applications:

  - Zoning Application 84-80:

    At its meeting held on January 30, 1985, the Planning and Development Committee denied Zoning Application 84-80 for a commercial shopping plaza on the subject lands. On February 26, 1985, City Council adopted the recommendation of the Planning and Development Committee to deny the application.

  - Zoning Application 86-29:

    At its meeting held on May 28, 1986, the Planning and Development Committee denied Zoning Application 86-29 to permit a 2 storey building containing 1,840 m^2 (19,806 sq.ft.) of ground floor commercial space, and 16 second storey apartment units. On June 24, 1986 City Council adopted the recommendation of the Planning and Development Committee to deny the application.

APPLICANTS:

Aiden Tuite, Peter and John Zourntos, Philip Mancini and Peter Hatzoglou, owners.

LOT SIZE AND AREA:

- 88.142 m (289.18 ft.) of lot frontage on Rymal Road East;
- 59.5 m (195.21 ft.) of lot depth;
- 6,045.75 m^2 (65,078 sq.ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Shopping plaza (under construction)	"G-4" (Designed Neighbourhood Shopping Area) District modified

Surrounding Lands

to the north	automotive repair shop and automotive dealership	"HH" (Restricted Community Shopping and Commercial, etc.) District modified
to the south and east	single-family dwellings	"B" (Suburban Agriculture and Residential, etc.) District
to the west	McDonald's Restaurant and a gas bar	"HH" (Restricted Community Shopping and Commercial, etc.) District

OFFICIAL PLAN:

Designated "COMMERCIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan, and located within Special Policy Area 46 on Schedule B - Special Policy Areas. The following policies, among others, would apply:

"A.2.2.1 The primary uses permitted in areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.

A.2.9.3.41 Notwithstanding the permitted uses set out in Subsection A.2.2 - Commercial Uses, for those lands shown on Schedule "B" - Special Policy Areas, as SPECIAL POLICY AREA 46, and located at the south-west corner of Rymal Road East and Ryckman Street, high traffic generating uses, such as, restaurants, will be prohibited. Further, vehicular access onto Ryckman Street from the affected lands will be prohibited. (O.P.A. 76)."

The proposal does not comply with the Official Plan. If the application is approved, an Amendment to the Official Plan would be required. The Amendment would delete Special Policy Area 46, in its entirety, as the establishment of a restaurant use would render policy A.2.9.3.41 obsolete. The issue of access onto Ryckman Street can be dealt with through the zoning and/or site plan approval processes.

Neighbourhood Plan:

Designated "NEIGHBOURHOOD COMMERCIAL" on the proposed Allison Neighbourhood Plan with a site specific notation to prohibit high traffic generating uses such as restaurants. The proposal does not comply with the intent of the proposed plan. A public meeting to finalize and approve the Allison Neighbourhood Plan will be scheduled by the Planning and Development Committee in the near future. If approved, the notation respecting high traffic generating uses would have to be deleted.

COMMENTS RECEIVED:

- The Building Department has advised that:

  "By-Law 89-246 was passed specifically to prohibit restaurants".

- The Hamilton Region Conservation Authority and the Hamilton-Wentworth Regional Police Department have no comments or objections.

- The Hamilton Wentworth Engineering Department has advised that:

"... public watermains and separate storm and sanitary sewers are available to service the subject lands.

All previous details of site development, widenings, etc., done through Site Plan Application DA-89-79. We reviewed this site plan under the condition that restaurants were not a permitted use. For this reason, roadway improvements at that time were limited to only Traffic striping a short section of Rymal Road only allowing one left turn vehicle to store in the westbound median. The introduction of this restaurant use without further roadway improvements will likely lead to increased congestion and delay to through traffic on Rymal Road.

We also understand that the City of Hamilton Traffic Department has indicated that the parking provided is extremely insufficient and based on these parameters, we cannot support the application as submitted.

Should the application be approved, we recommend that as a condition of rezoning, that the applicant enter into an Access Agreement to extend the marginal "one space" left lane further east, as required. All costs of this roadwork to be at the expense of the applicant/owner."

- The Traffic Department has advised that:

"The commercial zoning on this property was allowed as a result of ZA-88-46 which was dealt with by the Planning and Development Committee in April 1989. At that time, the zoning was allowed with the specific exception of restaurants.

We have reviewed the letter from H. Gaasenbeck, agent for the applicant and provide the following comments.

The applicants wish to revise their application by allowing a maximum of 375 m^2 of floor area for two restaurants that offer curbside, drive-in or take-out food service and/or indoor dining service and an additional 600 m^2 of floor area for an indoor dining restaurant.

Restaurants that are not part of a shopping centre are required to provide 1 parking space per 6 persons who may be lawfully accommodated on-site. It should be noted that this requirement still does not always satisfy all restaurant parking demands. The Building Department has stated that restaurant patrons occupy between 8.9 $ft.^2$ and 12.9 $ft.^2$ of floor space per person. Assuming the best case scenario of a restaurant patron occupying 12.9 $ft.^2$ of floor space and further assuming that 33 percent of the floor area would be required for food preparation, storage, washrooms, etc., these restaurants (975 m^2) would require 90 parking spaces. Additional parking would also be required for the remaining commercial component of this development. With this proposal, 82 parking spaces are provided on-site.

The applicant is correct when stating that the By-law parking standard for shopping centres is based upon a mixture of uses including restaurants. However, the applicant is proposing that over 60 percent of this shopping centre be restaurants, and therefore the parking demand changes drastically. There is insufficient parking on-site to accommodate this proposal and therefore parking would spill onto the adjacent residential area. This would be unacceptable to the area residents and therefore the Traffic Department is not in a position to support this application."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. In this regard, approval of the application would involve deletion of Special Policy Area 46 in its entirety, as the establishment of a restaurant use would render policy A.2.9.3.41 obsolete.

2. The proposal conflicts with the proposed Allison Neighbourhood Plan which designates the site for "NEIGHBOURHOOD COMMERCIAL" use, and established a site specific notation on the plan to prohibit high traffic generators such as restaurants. Approval of the application would require the deletion of the site specific notation regarding high traffic generating type uses.

3. In response to the applicants reasons in support of the revised application, the following points should be noted:

   a. On the basis of figures provided by the applicant, it would appear that at least 60% of the total gross floor area of the "shopping plaza" would be used for restaurant purposes 975 m^2 (10,495.15 sq. ft.) of 1,619 m^2 (17,427.34 sq. ft.), leaving only 40% for retail or other commercial uses. In his letter (APPENDIX "B"), the applicant's agent has indicated that at least two or three restaurants (one, 600 m^2 and one or two, for the remaining 375 m^2 of floor area) could be accommodated within the shopping centre. The largest restaurant would be a sit down type and the other 1 or 2 would primarily be take out type service with the potential for some seats.

   Since the proposed restaurant is contained within a shopping centre, the applicable parking ratio would be the shopping centre requirement which is 1 space for every 31 m^2 of floor area in excess of 450 m^2. Accordingly, a minimum of 38 parking spaces would be required for the shopping centre. The site contains 82 spaces resulting in a surplus of 44 spaces.

   Given that the restaurants would occupy at least 60% of the floor area of the proposed plaza, it is important to demonstrate the impact the parking would have if the restaurants were considered as separate uses to the shopping centre and the restaurant parking ratio was applied (1 space for every 6 persons).

   According to the Building Code, 1.2 m^2 (12.9 sq. ft.) of area is required for each person accommodated in a restaurant. Assuming a usable floor area of 653 m^2 (33% of the space would be used for washrooms, kitchen, etc.) for the restaurant, approximately 544 persons could be seated. In this regard, 90 parking spaces would be required.

   Clearly, the proposed restaurant uses would exceed the number of spaces to be provided (90 vs 82) and also leaves no parking spaces for the remaining 40% retail uses. Accordingly, these uses will create spill-over of parking and associated traffic

movements into the adjacent residential area which is undesirable and cannot be supported by the Traffic Department.

b. While the shopping centre has parking in excess of the Zoning By-law shopping centre standard, the proposed restaurant uses are well known chain operations and are likely to generate significant amounts of traffic and parking.

c. The site is located next to a McDonalds Restaurant which is situated at the intersection of Upper James Street and Rymal Road. The introduction of additional high traffic generators at the southeast quadrant of Upper James Street and Rymal Road East will only compound parking, traffic and access problems, especially if raised medians and anticipated roadway improvements are implemented as planned.

c. The standard "G-4" District zoning does permit restaurants without any dancing or other entertainment except music; retail stores (limited in use); offices, and restricts signage. The site area is also restricted to less than one acre. The "G-4" District has been implemented in other parts of the City where restricted neighbourhood commercial uses are appropriate.

d. A site specific by-law was enacted at the request of area residents and also supported by Planning and Development Committee and City Council to eliminate restaurants for exactly the type of application being considered - large restaurants (60% of the total shopping centre proposed), with possible undesirable traffic and parking implications.

e. The applicant has indicated that the site could have been developed for restaurant uses on this site if it was not for the site specific by-law. It should be noted that in 1989, the lands were zoned "B" (Suburban Agriculture) District, which did not permit commercial uses at all. Accordingly, the enactment of By-law No. 89-246 permitted the use of the site for limited commercial purposes, excluding restaurants.

f. The "G-4" (Designed Neighbourhood Shopping Area) District provides for a maximum building height of 2 storeys. The shopping centre has only one floor and contrary to the applicants suggestion, it could be expanded by adding a second floor on the basis of the amount of surplus parking available (44 spaces).

4. On the basis of the foregoing, the application cannot be supported for the following reasons:

a. it conflicts with the intent of both the Official Plan and the proposed Allison Neighbourhood Plan.

b. it conflicts with established policy of Planning and Development Committee and City Council not to support high traffic generating type uses on this site, and the applicant has not submitted any additional or new information to justify changes to the established policy.

c. it represents an over intensification of land use in that 60% of the plaza would be devoted to restaurant uses (2 or 3 separate restaurants). If the number of parking spaces required was calculated using the restaurant requirement instead of the Shopping Centre ratio, the proposal would need approximately 90 spaces (based on the seating capacity for 544 persons), as opposed to 38 spaces. Eighty-two (82) spaces are

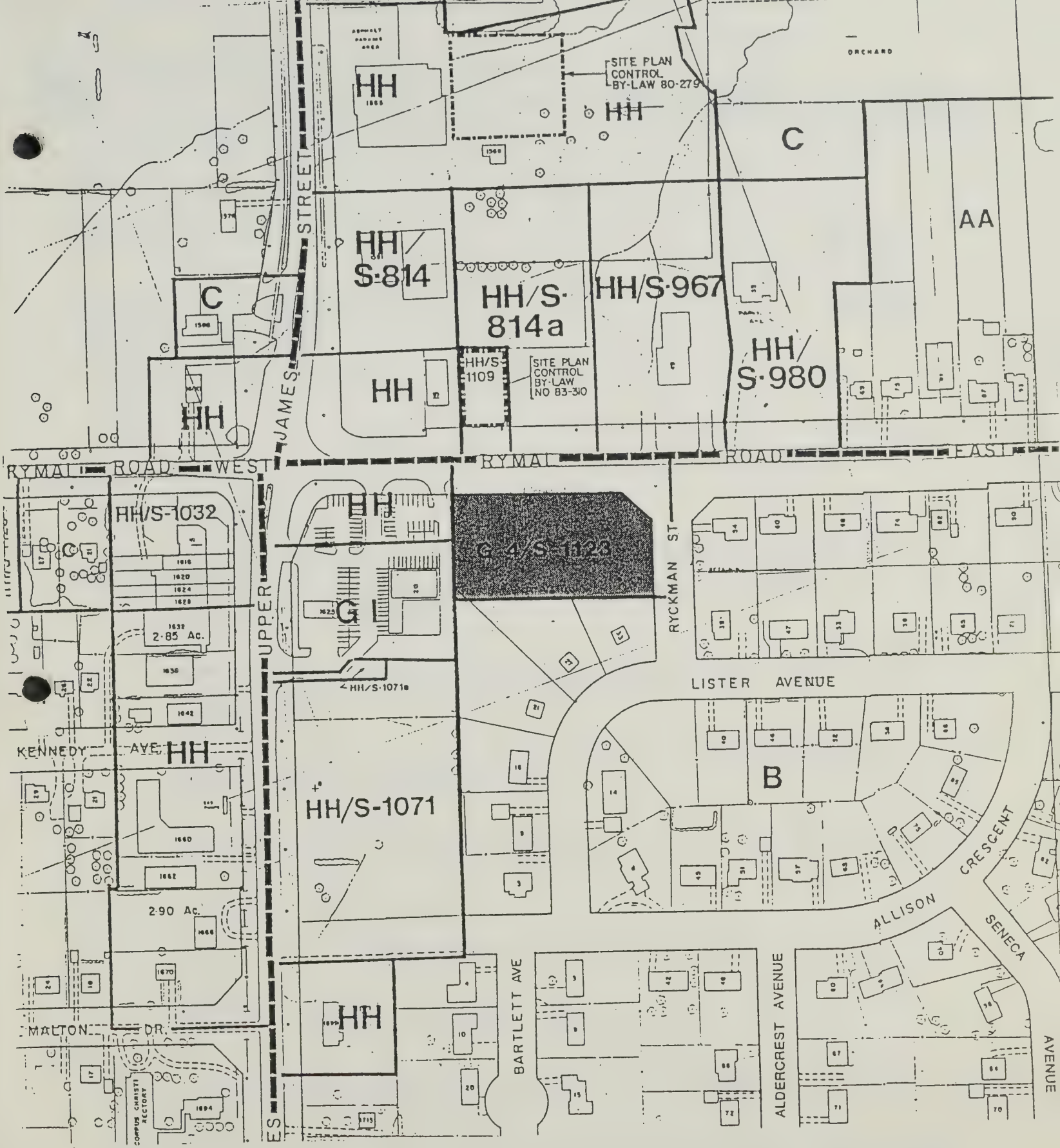
provided for the entire site. Accordingly, the proposed restaurant uses will result in spill-over parking and associated traffic movements onto the adjacent residential areas which is undesirable and cannot be supported by the Traffic Department.
provided for the entire site.

d. approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and Zoning By-law.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

GAW/ma/ns
Attach.
WPZA9056



Legend

Site of the Application

ZA 90-56

APPENDIX A

Henk Gaasenbeek, B.A., DIPL. T.R.P., M.C.I.P.
CONSULTANT - URBAN & RURAL PLANNING & DEVELOPMENT

19 Flatt Avenue, Hamilton, Ontario L8P 4M9 Bus: (416) 526-8864 Res: (416) 522-5564

PLANNING & DEVELOPMENT DEPARTMENT
AUG 30 1990

August 28, 1990

Planning and Development Department
Att: P. Mallard, M.C.I.P.
Hamilton City Hall
71 Main Street West,
Hamilton, Ontario
L8N 3T4

Re: Application to amend the Zoning Bylaw by P. Mancini et al.

Dear Mr. Mallard:

After reviewing the application to amend the site-specific Bylaw to permit restaurants and discussing same with Mr. R. Karl and Mr. H. Groen, it would appear that restaurants were prohibited on the site for these reasons:

- Some restaurants are high traffic generators, and therefore the draft neighbourhood Plan specifically prohibits high traffic generators at this location;

- Depending upon size and number, high traffic generators could create a parking problem with cars being parked on neighbouring residential streets;

- Depending upon size and number, high traffic generators could adversely affect the traffic function of Rymal road.

I was further informed that:

- Initially, a "left-turn in" lane will be provided on Rymal Road;

- Eventually Rymal Road is to be developed with a dual left-turn lane and six traffic lanes;

- Not all restaurants are considered to be high traffic generators with associated rapid parking turnover.

The shopping centre that is still under construction, will have a gross floor area of 1619 m² with 82 parking spaces. Based upon the parking requirement for shopping centres, the development is required to have only 38 parking spaces. The Bylaw parking standard is based upon the assumption that shopping centres have a mixture of uses (including restaurants) with a variety of

parking needs. Therefore, there should be more than sufficient parking to accommodate limited restaurant use, particularly if high traffic generating restaurants are restricted in number and floor area. Based upon these considerations, it would seem more reasonable and logical to regulate restaurants instead of prohibiting them altogether.

Accordingly, the applicants wish to revise their application by restricting restaurants on the following basis:

- A maximum of 375 m² of floor area may be used for not more than two restaurants that offer curbside, drive-in or take-out food service and/or indoor dining service;

- A maximum of 600 m² of additional floor area may be used for a restaurant that does not offer any curbside, drive-in or take-out food service but offers only an indoor dining service.

The following reasons are submitted in support of the revised application:

1. The proposed restaurant uses should not create either a parking or traffic problem.

2. The shopping centre has parking well in excess of the Bylaw requirement.

3. There appears to be no opportunity to increase the floor area of the shopping centre in the future to take advantage of available extra parking.

4. Restaurants are ideally located in commercially zoned nodes along Regional Arterial Roads and Provincially designated Highways, such as Rymal Road, provided that access is controlled and heavy traffic generators are not unduly concentrated.

5. The standard "G-4" District (Designated Neighbourhood Shopping Area) logically permits restaurants.

6. The subject shopping centre is attractive to restaurant operators as evidenced by the fact that three operators (ie. a donut shop, a "submarine" shop and a sit-down restaurant known as "Chaps"), have expressed a firm desire to locate in the centre, and another one is considering the location.

7. The two abutting large residences at the rear of the shopping centre were erected by the applicants to complete the Lister Avenue streetscape. The owners of these dwellings agreed in writing to an unrestricted shopping centre use of the site.

8. If a site-specific Bylaw had not been enacted at the time, the site could have been developed for one or more large fast food restaurants with possible undesirable traffic and parking implications. The erection of a shopping centre since then, effectively precludes the construction of large free standing restaurants on the site.

9. Due to (1) the orientation and location of the shopping centre building, (2) the location of road accesses and the bulk of the parking, (3) the construction of a significant retaining wall along the rear boundary of the shopping centre and a closed-board fence -- the proposed restaurant uses within the centre should have the same minimal effect upon neighbouring residences as would any other commercial use.

For the reasons listed herein, it is believed that the application as revised is worthy of support by the Traffic and Planning Department staff, and of approval by Council.

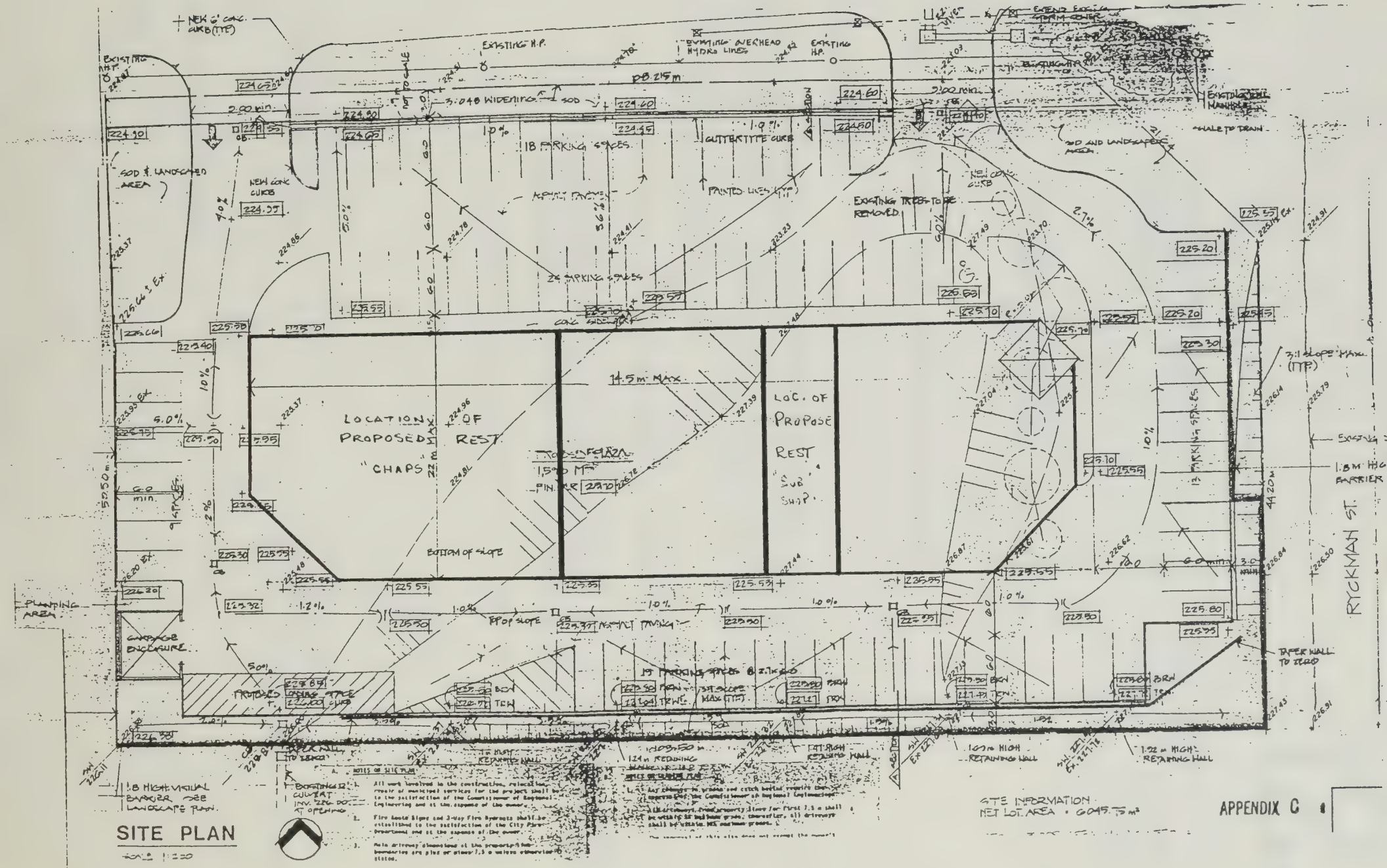
Yours truly,

H. Gaasenbeek

c.c. Mr. H. Groen, Regional Engineering Department
Mr. R. Karl, City Traffic Department

HJG:tg
\work2\mancini.a24

RYMAL ROAD EAST



SITE PLAN

SCALE 1:250

SITE INFORMATION
NET LOT AREA = 6045.75 m²

APPENDIX C

12.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: August 15, 1990
COMM. FILE:
DEPT. FILE: ZA-88-124
Bonnington
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change in zoning - No. 694-696 Upper James Street.

RECOMMENDATION:

That Zoning Application 88-124, R.H.B. Murray and M.A. Murray, owners, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified to permit a real estate office use within a portion of the existing building, for the property located at Nos. 694 and 696 Upper James Street, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

i) it is contrary to the Official Plan which designates the property "RESIDENTIAL"; and,

ii) it is contrary to the Planning and Development Committee's decision respecting the Upper James Land Use Review which is to retain the lands fronting on the west side of Upper James Street between Wembley and South Bend Roads for residential purposes; and,

iii) approval of the application would set a precedent for future similar applications.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

o Upper James Land Use Review

In 1987, as a result of requests for commercial zoning on Upper James Street between Wembley and South Bend Roads, the Planning and Development Committee directed the Planning Department to undertake a land use review of the area.

On June 20, 1990, a public meeting was held to discuss the findings of the study. The study outlined four possible land use options:

o Option 1

to retain the existing residential uses along Upper James Street;

o Option 2

to allow limited commercial uses within the existing buildings;

o Option 3

to allow redevelopment of the Upper James frontage for mixed residential/commercial uses; and,

o Option 4

to allow a comprehensive redevelopment of the blocks bounded by Upper James and West First Streets and South Bend and Wembley Roads for commercial or mixed commercial/residential uses.

The Planning and Development Committee adopted Option 1 which is to retain the existing residential uses. Since Option 1 did not require changes to Planning documents or policies, the Land Use Review was not required to be forwarded to Council for their consideration. It should be noted that staff recommended Option 2.

The Committee recommended that this area be re-examined in June of 1991.

o Proposal

In November 1988, the Building Department issued an Order To Comply against the property for use as a real estate office. Accordingly, the applicant made an application to rezone the subject lands from residential to commercial to allow a real estate office within a portion of the building. There were no plans, at that time, for expansion of the existing building.

APPLICANT:

R.H. and Marjorie Murray, owners.

LOT SIZE AND AREA:

- o 31.638 m (103.37 ft.) of lot frontage on Upper James Street;
- o 27.05 m (88.75 ft.) of lot frontage on McElroy Road West; and,
- o 852.2 m^2 (9,174.09 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	real estate office	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north	Variety store and single family dwellings	"C" (Urban Protected Residential, etc.) District
to the south, east and west	single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A". The following policies apply, among others:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings....

A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:

iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.

A.2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access."

Based on Policy A.2.2.25, the proposal does not comply with the intent of the Official Plan. The creation of a Special Policy Area to permit a limited number of commercial uses is required.

NEIGHBOURHOOD PLAN:

There is no Neighbourhood Plan for the Bonnington Neighbourhood.

RESULTS OF CIRCULARIZATION:

o The following agency has no comments or objections:

- Hamilton Region Conservation Authority

o The Building Department has advised that:

"The use of the building as a Real Estate Office is contrary to Section 9 of the Zoning By-law."

o The Traffic Department has advised that:

"The rezoning of this specific site to commercial is generally satisfactory. However, we are concerned that the rezoning of properties without restriction, on an individual basis, will not permit the proper planning for facilities such as parking, loading spaces, and shared accesses. An accumulation of commercially rezoned properties will make co-ordinating with the adjacent properties difficult. On this basis we are unable to support this application.

If this application is approved we request that the lands be placed under site plan control and that a parking requirement of one space for every 31 m^2 of floor area be provided on site."

o The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains exist to service the subject land. Sewers are available, however they are below today's standards for commercial development.

According to our records, this section of Upper James Street is 30.48 m (100 feet). This section of Upper James Street was reconstructed and widened in 1980/1981 and we do not anticipate any further road allowance widenings on Upper James Street at this time. The existing road allowance width of McElroy Road is 15.24 m (50 feet) without any daylight triangle at its intersection with Upper James Street. Since McElroy Road serves as a neighbourhood collector street at its

intersection with Upper James Street, the width of McElroy Road should be increased to 20.12 m (66 feet). However, it is recognized that the existing building is only +/- 1.0 feet away from the street line. At such time as the buildings on these lands are removed and complete redevelopment of the lands occurs, we will recommend that sufficient lands be dedicated to establish a 20.12 m (66 feet) road allowance width of McElroy Road. Should the Committee approve the application at this time, we recommend that as a condition of development approval that a daylight triangle 7.5 m x 7.5 m be dedicated to the Region for road widening purposes.

In general, we can support the establishment of commercial uses on this section of Upper James Street. However, we are concerned that the approval of individual properties to commercial uses without consolidated or block development will lead to a proliferation of commercial accesses to Upper James Street. Therefore, we cannot support the application as submitted.

However, should the application be approved, we recommend that adequate development controls be implemented. The subject lands should be placed under site plan control with adequate on site parking and manoeuvring and with commercial accesses constructed to the requirement of the City of Hamilton Traffic Department.

In the absence of any detailed plans being submitted for our review, we advise that any works which may occur within the adjacent road allowance, as widened, must conform to the respective streets by-laws.

As McElroy Road is established at 15.24 m (50 feet), it would appear that the curbline of McElroy Road is +/- 3.30 m from the south streetline it is unclear from the attached sketch whether access to McElroy Road is required/requested and this matter should be resolved at this time between the applicant, our staff and staff of the City of Hamilton Traffic Department. This is required to ensure that sight lines for access on McElroy Road are satisfactory.

According to our records, the alley to the rear of the subject lands is public unassumed. Therefore, clear access to those lands cannot be guaranteed by the City of Hamilton. The existing chainlink fence at the south side of the property which encroaches into the road allowance is contrary to the Region's Road Use By-law and remains at the sole risk of the applicant/owner."

COMMENTS:

1) The proposal does not comply with the intent of the Official Plan. The establishment of a site specific Special Policy Area to permit limited commercial uses is required.

2) There is no Neighbourhood Plan for the Bonnington Neighbourhood.

3) The proposal cannot be supported for the following reasons:

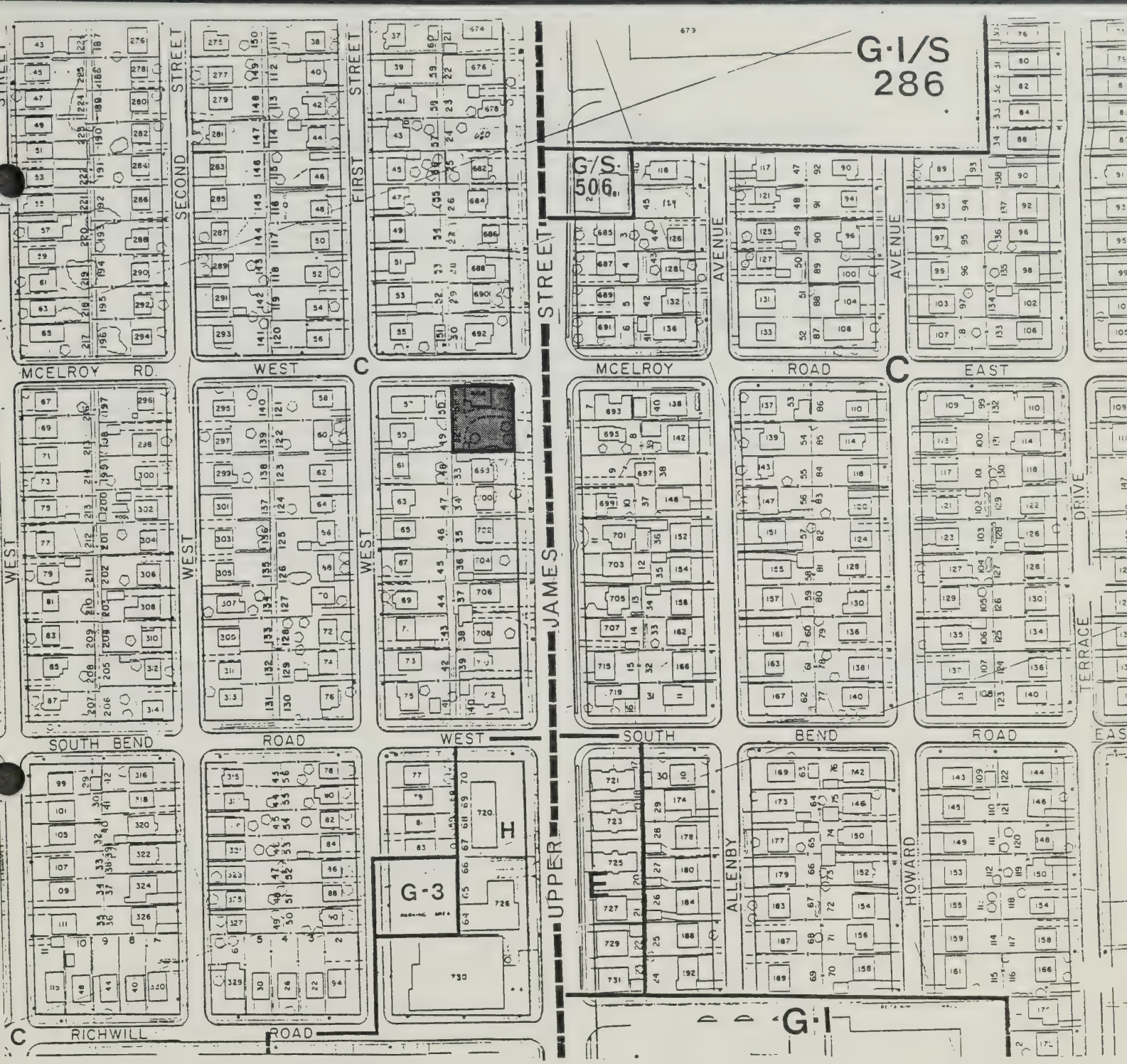
   i) it is contrary to the Official Plan which designates the property "RESIDENTIAL"; and,

ii) at its meeting of June 20, 1990, the Planning and Development Committee, after reviewing the four options developed from the Upper James Street Land Use review, adopted Option 1 which is to retain the lands fronting on the west side of Upper James Street between Wembley and South Bend Roads for residential purposes. Accordingly, approval of the application would be contrary to Committee's decision to maintain the existing residential uses, and would set a precedent for future similar applications.

CONCLUSION:

Based on the foregoing, the proposal cannot be supported.

JHE/ma
WPZA88124



LEGEND

SITE OF THE APPLICATION.

ZA 88-124

APPENDIX 1

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

****

TO:	A. L. Georgieff, M.C.I.P. Director, Local Planning Division Planning and Development Department	YOUR FILE:	
FROM:	Mrs. Susan K. Reeder, Secretary Planning and Development Committee City Clerk's Department	OUR FILE: PHONE:	
SUBJECT:	**Zoning Application 88-124, for property at 694 and 696 Upper James Street.**	DATE:	1990 August 30

This will confirm that the above-noted Zoning Application was tabled by the Planning and Development Committee at its meeting held 1990 August 22nd, in accordance with the request of the applicant.

Trusting that confirmation of this matter is of assistance to you.

Susan K. Reeder.

13.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: August 15, 1990
COMM. FILE:
DEPT. FILE: ZA-90-31
Bonnington
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change in zoning - No. 710 Upper James Street.

RECOMMENDATION:

That Zoning Application 90-31, Katherine Murray, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified to permit commercial uses within the existing building, for the property located at No. 710 Upper James Street, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

i) it is contrary to the Official Plan which designates the property "RESIDENTIAL"; and,

ii) it is contrary to the Planning and Development Committee's decision respecting the Upper James Land Use Review which is to retain the lands fronting on the west side of Upper James Street between Wembley and South Bend Roads for residential purposes; and,

iii) approval of the application would set a precedent for future similar applications.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

o Upper James Land Use Review

In 1987, as a result of requests for commercial zoning on Upper James Street between Wembley and South Bend Roads, the Planning and Development Committee directed the Planning Department to undertake a land use review of the area.

On June 20, 1990, a public meeting was held to discuss the findings of the study. The study outlined four possible land use options:

o Option 1

to retain the existing residential uses along Upper James Street;

o Option 2

to allow limited commercial uses within the existing buildings;

o Option 3

to allow redevelopment of the Upper James frontage for mixed residential/commercial uses; and,

o Option 4

to allow a comprehensive redevelopment of the blocks bounded by Upper James and West First Streets and South Bend and Wembley Roads for commercial or mixed commercial/residential uses.

The Planning and Development Committee adopted Option 1 which is to retain the existing residential uses. Since Option 1 did not require changes to Planning documents or policies, the Land Use Review was not required to be forwarded to Council for their consideration. It should be noted that staff recommended Option 2.

The Committee recommended that this area be re-examined in June of 1991.

o Proposal

In March 1990, the applicant made an application to rezone the subject lands from residential to commercial to allow commercial uses within the existing. There are no plans, at this time, for expansion of the existing building.

APPLICANT:

Katherine Murray, owner.

LOT SIZE AND AREA:

- o 15.24 m (50 ft.) of lot frontage on Upper James Street;
- o 27.05 m (88.75 ft.) of lot depth; and,
- o 412.26 m^2 (4,437.5 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	single-family dwelling	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north, south, and west	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	tailor, denture therapy clinic and dwelling units	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A". The following policies apply, among others:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings....

A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:

iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.

A.2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access."

Based on Policy A.2.2.25, the proposal does not comply with the intent of the Official Plan. The creation of a Special Policy Area to permit a limited number of commercial uses is required.

NEIGHBOURHOOD PLAN:

There is no Neighbourhood Plan for the Bonnington Neighbourhood.

RESULTS OF CIRCULARIZATION:

o The following agency and department have no comments or objections:

- Hamilton Region Conservation Authority; and,
- Building Department.

o The Traffic Department has advised that:

"The rezoning of this specific site to commercial is generally satisfactory. However, we are concerned that the rezoning of properties without restriction, on an individual basis, will not permit the proper planning for facilities such as parking, loading spaces, and shared accesses. An accumulation of commercially rezoned properties will make co-ordinating with the adjacent properties difficult. On this basis we are unable to support this application.

If this application is approved we request that the lands be placed under site plan control and that a parking requirement of one space for every 31 m^2 of floor area be provided on site."

o The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains exist to service the subject land. Sewers are available, however they are below today's standards for commercial development.

The designated and existing width of Upper James Street adjacent to the subject lands is 30.48 m (100 feet). Therefore, we do not anticipate any further road allowance widenings at this time.

In the absence of any details shown, we advise that any works which may occur within the Upper James Street road allowance must conform to the Regions Road Use By-law.

According to our records, the alley to the rear of the subject lands is public unassumed. As such, the City of Hamilton cannot guarantee clear unobstructed access to the subject lands from the public unassumed alley.

In general, we can support the establishment of commercial uses on this section of Upper James Street. However, we are concerned that the approval of individual properties to commercial uses without consolidated or block development will lead to a proliferation of commercial accesses to Upper James Street. Therefore, we cannot support the application as submitted.

However, should the application be approved, we recommend that adequate development controls be implemented. The subject lands should be placed under site plan control with adequate on-site parking and manoeuvring and with commercial accesses constructed to the requirement of the City of Hamilton Traffic Department."

COMMENTS:

1) The proposal does not comply with the intent of the Official Plan. The establishment of a site specific Special Policy Area to permit limited commercial uses is required.

2) There is no Neighbourhood Plan for the Bonnington Neighbourhood.

3) The proposal cannot be supported for the following reasons:

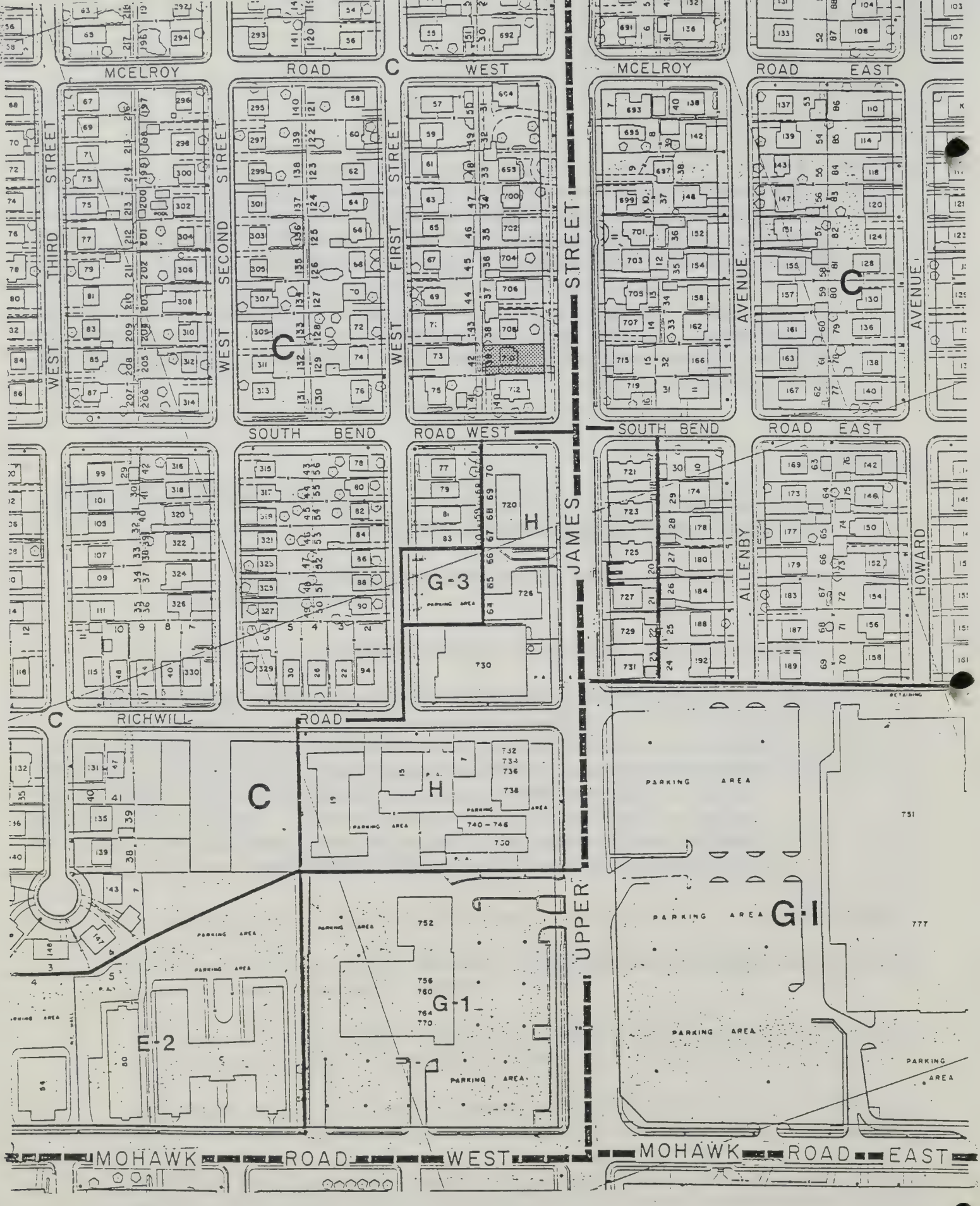
   i) it is contrary to the Official Plan which designates the property "RESIDENTIAL"; and,

   ii) at its meeting of June 20, 1990, the Planning and Development Committee, after reviewing the four options developed from the Upper James Street Land Use Review, adopted Option 1 which is to retain the lands fronting on the west side of Upper James Street between Wembley and South Bend Roads for residential purposes. Accordingly, approval of the application would be contrary to Committee's decision to maintain the existing residential uses, and would set a precedent for future similar applications.

CONCLUSION:

Based on the foregoing, the proposal cannot be supported.

JHE/ma
WPZA9031



Legend

Site of the Application

ZA-90-31

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

****

TO:	A. L. Georgieff, M.C.I.P. Director, Local Planning Division Planning and Development Department	YOUR FILE:	
FROM:	Mrs. Susan K. Reeder, Secretary Planning and Development Committee City Clerk's Department	OUR FILE: PHONE:	
SUBJECT:	**Zoning Application 90-31, for property at 710 Upper James Street.**	DATE:	1990 August 30

This will confirm that the Planning and Development Committee at its meeting held 1990 August 22nd, agreed to table the above-noted Zoning Application in accordance with the request of the applicant.

Trusting that this confirmation is of assistance to you.

Susan K. Reeder.

130a.

AUG 21 1990

Hamilton Ont.
Aug 21/90

Regarding the zone change from C to H.
at 710 Upper James Street File # ZA 90-31 in the
City of Hamilton, Ont.

My wife and I strongly oppose the zone
change for reasons.

1. 877175 Ontario Inc. most likely had no
intention of leaving 710 Upper James St., as a
residential property at time of purchase.

2. I am sure a property of "C" zoning could
have been acquired on Upper James St. between
Mohawk Road and Upper Road for the business
requirements of 877175 Ont. Inc.

3. I do not think a rezoning of one lot to
"H" should be allowed in a totally residential
city block.

Henry Hadgla
163 Allendale Ave.,
Hamilton, Ont.
L9A 2T8.

14.

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, M.C.I.P.
COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: September 24, 1990
COMM.FILE:
DEPT.FILE: P5-4-2-15

SUBJECT

Rental Housing Protection Act - Demolition Application DE-90-001 for 266-280 King Street East, Hamilton.

RECOMMENDATION

That approval be given to Rental Housing Protection Act Application DE-90-001, Agostino Ammendolia, owner, for demolition of units at 266 - 280 King Street East, on the followng basis.:

That the applicant enters into an Agreement to provide the same number of new rental units (17 units), which are similar in rent and location to the existing units. This will include 12 rental apartment units and 5 rooms for lodgers. The Agreement will be registered on title and will be satisfactory to the Director of Local Planning and the City Solicitor.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

EXPLANATORY NOTE

The application involves the demolition of two buildings with 17 rental residential units, including 12 vacant apartments and 5 rooms for lodgers, as well as ground floor commercial space. These are proposed to be demolished to permit a 12 storey commercial/residential building, with 110 condominium apartment units.

BACKGROUND

Zoning application ZA-90-06 for the property at 260-280 King Street East was received on January 5, 1990, requesting a zoning modification to permit a 12 storey mixed retail office and residential building. The zoning application was addressed in a separate report which was considered at the Planning and Development Committee meeting of September 19, 1990. The zoning application was given approval, conditional on approval under The Rental Housing Protection Act, and subject to a site plan being approved and registered on title. Demolition control was also applied, under Section 33(6) of the Planning Act. An application under The Rental Housing Protection Act was submitted on March 13, 1990. The subject property is shown on the attached key map.

The existing uses on the site include:

- 270-280 King Street East - three storey building
  - 12 apartments;
  - one of these has been vacant since September 1, 1990 and the other is expected to be vacant as of October 1, 1990, with former rents of $291 for these 2 bedroom units;
  - 10 of these have been vacant since August 1988, with former rents estimated at $275 to $400.
- 266-268 King Street East - three and a half storey building
  - rooming house with 5 rooms, shared kitchen and bathroom facilities.

Demolition of the existing buildings is requested to permit the proposed commercial/residential use.

APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT

The Act exists to help preserve the existing scarce supply of rental units, by regulating changes to rental units such as renovations, conversions, demolitions and severances. The proposed demolition of the structures at 266-280 King Street East would be subject to the Act, since:

- the building has more than four rental residential units, namely twelve apartments, as well as 5 rooms for lodgers;
- vacant units such as these are subject to the revised Rental Housing Protection Act, since the prior use was rental residential;
- the former rents are in the affordable range. Appendix "A" contains average rental rates for units of comparable size in the area. The figures indicate that the subject units had rents which were below the average for the area and municipality, which therefore contributed to the affordability of the area.

LEGISLATION

The Rental Housing Protection Act, 1989, specifies that approval of applications must be made under one of the following criteria, as specified in Section (7) of the related regulations:

7.-(1) The council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

1. Council finds that;

   i. a rental property for which an application is made for demolition is structurally unsound, or

   ii. a rental property for which an application is made for renovation or repair is structurally unsound at the time of the application and will continue to be structurally unsound if the renovation or repair proposed by the applicant is not carried out and, in the case where tenants are in occupation of the unit, that vacant possession is required to effect the renovation or repair.

2. The applicant agrees,

   i. to provide the same number of new rental units in a similar rental range and in the same area as those for which approval is given, and

   ii. to provide rental accommodation in the same area of similar quality and rent, either in the new rental units or in other existing rental property, to any tenant who is required to give up possession of a rental unit as a result of the approval.

3. In the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

ANALYSIS

The application has been evaluated on the basis of the foregoing criteria, as outlined below:

1. Physical Condition of Rental Building

   The applicant is not seeking approval under this criterion. Although the units are stated by the applicant to be in poor condition, the buildings have not been found to be structurally unsound.

2. Provision of Alternative and Replacement Accommodation

   This would be the preferred criteria for approval. Providing units to replace those which are being demolished would help ensure the protection of the rental housing stock. There are several possible approaches. The applicant could provide 17 equivalent replacement units, in either the proposed new condominium building, another new residential building elsewhere, or by means of converting floor space in an existing building from office or other uses to residential The

replacement units must be in a similar rental range, namely rents of $275 - $400, and in the same area, namely Central Hamilton, as bounded by Queen, Cannon and Wentworth Streets and the Escarpment.

The rents for the replacement units should be similar to the former rents of the existing units, namely within 10%, which is a rule of thumb used in other municipalities. The intent is to provide units of similar quality at similar rents. These rents would be registered on title for a period of several years, and would be allowed to rise gradually subject to Rent Review. An agreement would be prepared by the City Solicitor's Department to guarantee these rents. This provision is set out in Section 12 of the Rental Housing Protection Act 1989, and has been used extensively in the cities of Toronto and Ottawa.

3. Impact on the Overall Housing Supply

Under the third criteria, City Council may approve a proposal which it considers does not adversely affect the supply of affordable housing. In this case, the loss of 17 rental units would be significant. As indicated in Appendix "A", the existing low vacancy rate for Central Hamilton is 0.8%, with only 92 vacant units. There is a low supply of affordable rental units. Any demolition of existing units should only be permitted if replacement units are provided, which would mean approval under the second criteria, as discussed above.

COMMENTS

The applicant has been contacted in writing to inform him of the criteria for approval, the requirement for providing replacement units, and the likely use of legal agreements to enforce such replacement units. He feels that the provision of such units would be "financially unrealistic". He also states that the existing units are vacant and in poor condition, so that new units would have to be provided at higher rents to reflect the cost of needed renovations.

Staff note that vacant units are subject to the Rental Housing Protection Act. The existing low vacancy rate for rental accommodation require that steps be taken to maintain the existing rental housing supply. Replacement units should therefore be provided.

CONCLUSION

The provision of 17 replacement rental residential units is recommended since:

- the proposed demolition would eliminate 12 rental apartments and 5 rooms for lodgers which are affordable in nature.
- this would represent a significant adverse impact on the supply of affordable rental housing.
- vacant units are subject to the Rental Housing Protection Act.
- Council is required by the Act to deny proposals which it considers would adversely affect the supply of affordable rental housing.

- Council may approve proposals for demolition for which equivalent replacement units are provided.

An agreement should be prepared to the satisfaction of the City Solicitor to ensure the provision of the same number of residential units, similar in quality, location and rent. This would include 12 apartment units and 5 rooms for lodgers.

VG/dkp/ns

A:\RENTHOUS.PRO

APPENDIX "A"

RENTAL VACANCY RATES AND RENTS

RELEVANT TO 266-280 King Street

For buildings with six or more units, privately initiated

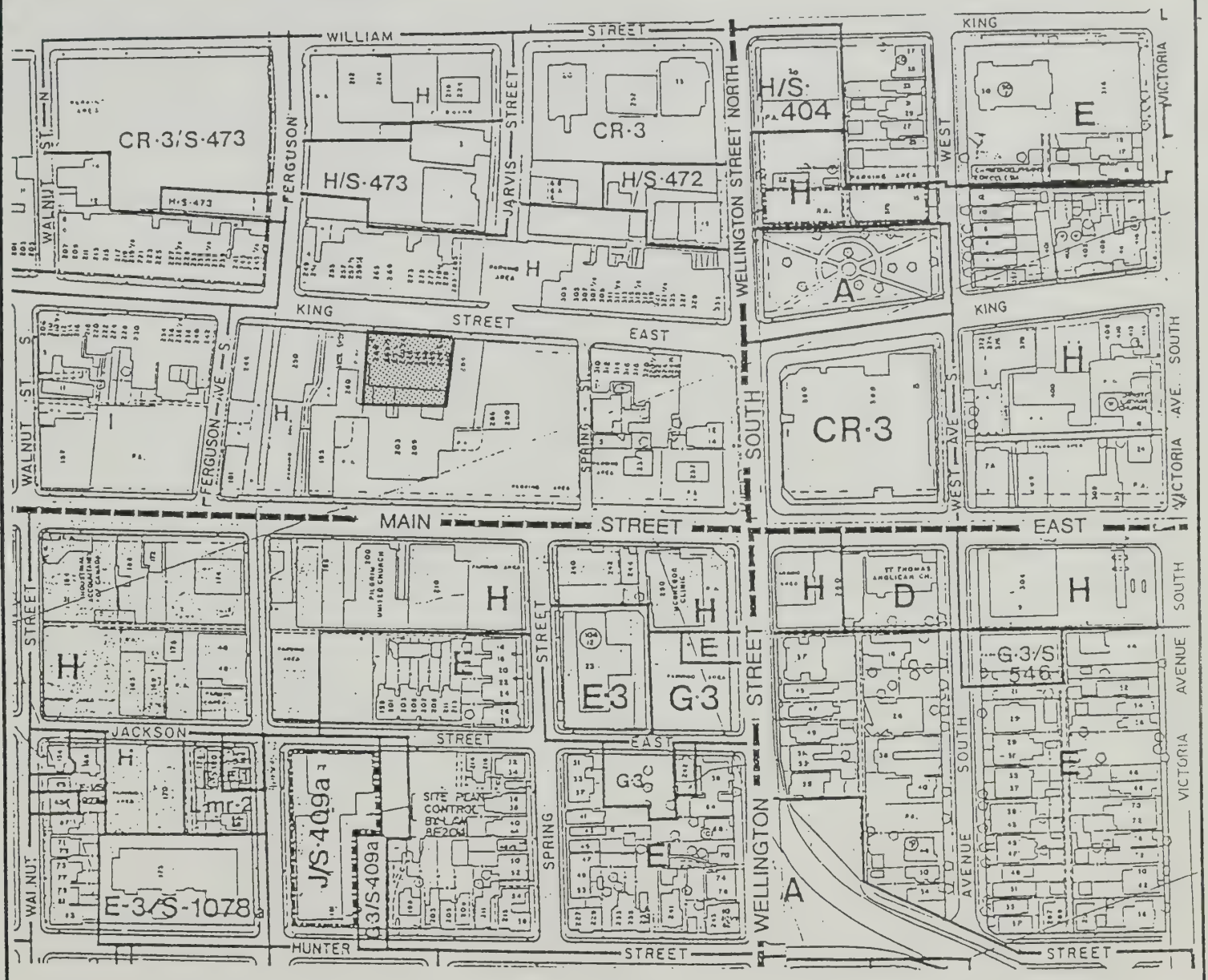
Area	Type	Vacancy Rate %	Vacant Units (Approx.)	Total Units	Average Rents
Central Hamilton	Two Bedroom	0.5	18	3,897	$500
	All Units	0.8	92	11,003	
City of Hamilton	Two Bedroom	0.6	87	13,767	$466
	All Units	0.8	248	31,891	
Hamilton - CMA	Two Bedroom	0.6	116	18,887	$497
	All Units	0.7	303	41,204	
Subject Property	Two Bedroom				$291
	Other Units				$275-$400

Notes:

1. Source: CMHC Rental Market Survey Hamilton CMA, April 1990, Tables 2 and 5, and October 1989, Table 14. Average rents are based on the most recent data available, which is from October 1989.

2. Downtown Hamilton for this purpose includes the area bounded by Queen Street, Cannon Street, Wentworth Street and the Escarpment, and includes the subject property.

3. Hamilton CMA includes Hamilton, Burlington and Grimsby.



NOTE: Extract from Beasley Neighbourhood Zoning map.

City of Hamilton

Key Map

Rental Housing Protection Act
RR-90-002 266-280 King Street East

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	NOT TO SCALE	RR-90-002
	Date	Drawn By
	JULY, 1990	T.A.

URBAN/MUNICIPAL
CA4 ON HBL A05
C 51P4
1990

K.I
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK

Urban Municipal
Librarian/Central
Library

THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

TEL: 546-2700
FAX: 546-2095

~~1990 October 10th~~

URBAN MUNICIPAL
OCT 17 1990
GOVERNMENT DOCUMENTS

Mr. E. W. Kowalski, Director of Community Development
Mr. S. Ghanem, Director of Economic Development
Mr. T. Gill, Acting Engineering Commissioner
Attention: Mr. K. Brenner
Mr. M. Main, Director of Traffic Services
Attention: Mr. R. Karl
Ms. Diana Pasko, Planning Department
Mr. E.G. Beres, Regional Assessment Commissioner
Urban Municipal Librarian, Central Library

Attached herewith are the minutes of the Planning and Development Committee meeting held Wednesday, ~~1990 August~~ 22nd.

These minutes were approved by the Planning and Development Committee at its meeting held Wednesday, 1990 October 3rd.

Yours very truly,

Susan K. Reeder

Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

Attch's.
c.c.'s -
- Manager, C.M.H.C.
- Hamilton & District Chamber of Commerce
  Attention: Kathy Drewitt
- Mr. W. B. O'Brien, Director of Transportation Services, H.S.R.
- Mr. Paul E. Shewfelt, Board of Education
- Mr. Douglas Kelterborn, Board of Education
- Mr. T. Cupido, Superintendent of Plant,
  Hamilton Separate School Board
- Mr. M. D. Crowley, Southam Communications Ltd.
- Mr. D. Miller, Canada Life, London, Ontario
- Durand Neighbourhood, c/o Ruth Morrison
- Mr. Rob Hager, Research Statistican, Oshawa Foods

Wednesday, 1990 August 22
9:00 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman D. Drury
Alderman M. Kiss
Alderman W. McCulloch
Alderman H. Merling

Regrets: Alderman D. Ross - Vacation

Also present: Alderman T. Murray
Alderman J. Gallagher
Alderman D. Agostino
Dr. Johnson, Board of Education representative
Mr. L. Sage, Chief Administrative Officer
Mr. A. Georgieff, Director of Local Planning
Mr. P. Mallard, Planning Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. K. Brenner, Regional Engineering Department
Mr. R. Karl, Traffic Department
Mr. L. King, Building Commissioner
Mr. B. Allick, Building Department
Mr. R. Doucet, Building Department
Ms. P. Noé Johnson, City Solicitor
Mrs. Susan K. Reeder, Secretary

CONSENT AGENDA

(A) ADOPTION OF THE MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE

The Committee was in receipt of the minutes of their regular meeting held 1990 July 25, and minutes of a special meeting held 1990 July 31, and approved these minutes.

(B) DIRECTOR OF COMMUNITY DEVELOPMENT

(a) 201 King Street East

The Committee was in receipt of a report from the Director of Community Development dated 1990 July 27, respecting Commercial Facade Loan Programme Application for property at 201 King Street East.

The Committee approved the following:

> That a repayable loan under the Commercial Facade Loan Programme, in the amount of twelve thousand, eight hundred and forty-one dollars ($12,841.) be approved for 201 King Street East, Mr. F. Lauinger. The interest rate will be 7-3/8 percent, amortized over 10 years.

(b) Increase for 207-209 King Street East

The Committee was in receipt of a report from the Director of Community Development dated 1990 July 25, respecting a Commercial Facade Loan Programme Application for an increase for property at 207-209 King Street East.

The Committee approved the following:

> That an increase under the Commercial Facade Loan Programme, in the amount of three thousand, nine hundred and forty-five dollars ($3,945.) be approved for 207-209 King Street East, Mr. Ung Kim, for a new loan amount of forty-two thousand, two hundred and forty-six dollars ($42,246.). The interest rate will be 7-3/8 percent, amortized over 10 years.

CITY SOLICITOR

(C) By-law - proposed expropriation - 19 Gerrard Street and 393 Sherman Avenue North

The Committee was in receipt of a report from the City Solicitor dated 1990 July 31, respecting the approval of a Draft Expropriation By-law for properties at 19 Gerrard Street and 393 Sherman Avenue North.

The Committee approved the following:

That the City Solicitor be authorized and directed to prepare an Expropriation By-law to expropriate properties at 19 Gerrard Street and 393 Sherman Avenue North for the purpose of acquiring lands, buildings and structures used or erected for a purpose that does not conform with a by-law passed under Section 34(8) of The Planning Act, S. O. 1983, Chapter 1.

NOTE: These two residential properties are required to remove residential uses from the Industrial zoned areas of the Alpha Enclave, which are west of Sherman Avenue North and north of Barton Street East. To date, the City has already acquired 24 of the 39 properties in the Alpha West part of this project. As authorized by Council on 1989 June 27, and 1989 March 28, Notice of the City's intention to expropriate these two residential properties in an industrial zone have been advertised and served upon all persons having an interest in these lands and no request for an inquiry hearing into the proposed expropriations has been received.

(D) By-law - City Initiative 88-K - Day Nurseries

The Committee was in receipt of a report from the City Solicitor dated 1990 August 15, respecting approval of the By-law for Day Nurseries (City Initiative 88-K).

The Committee approved the By-law which was presented to City Council.

ACTING COMMISSIONER OF ENGINEERING

(E) Cash-in-lieu of 5% Parkland Dedication - Beaverton Estates Subdivision

The Committee was in receipt of a report from the Acting Commissioner of Engineering dated 1990 August 16, respecting Beaverton Estates Subdivision.

The Committee approved the following:

That the City of Hamilton accept the sum of $10,200. as cash payment in lieu of 5% parkland dedication, in connection with Beaverton Estates, Hamilton, this being the cash requirement under Section 50 of the Planning Act.

NOTE: These lands are located west of Upper Sherman Avenue and south of Stone Church Road East in the Butler Neighbourhood, Hamilton.

REGULAR AGENDA

BUILDING COMMISSIONER

1. Clearing of premises - 1306 King Street East.

The Committee was in receipt of a report from the Building Commissioner dated 1990 August 15, respecting the clearing of premises at 1306 King Street East.

The Committee approved the following:

(a) That the City Solicitor be authorized to prepare a by-law for the clearing of the premises located at municipal number 1306 King Street East of domestic and industrial waste, for presentation to City Council.

(b) That the City Solicitor be authorized to prepare a by-law for the repair of the building in accordance with the Orders issued, which have been before the courts and convictions registered, for presentation to City Council.

NOTE: The cost of the removal of this domestic waste and repairs to the building will be added to the tax roll to be collected in a like manner as municipal taxes. It is estimated that the cost of the removal of this waste and repairs to be approximately $5,000. plus administration costs.

2. Demolition Permit Applications:

The Committee was in receipt of reports from the Building Commissioner respecting Demolition Permit Applications and the Committee approved the following:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

(a) 702 Stone Church Road East

(b) 46 Limeridge Road East

DIRECTOR OF COMMUNITY DEVELOPMENT

3. Hamilton Street Railway Proposal for Locating Transit Shelters in the Downtown Hamilton Area.

The Committee was in receipt of a report from the Director of Community Development dated 1990 August 14, respecting the Hamilton Street Railway Proposal for Locating Transit Shelters in the Downtown Hamilton Area.

The Committee approved the following:

That in accordance with Phase II of the H.S.R. Bus Shelter Proposal, that the H.S.R. be given approval to install bus shelters in the proposed locations other than Gore Park as follows:

(a) 2 transit shelters on James Street South, west side, south of King Street West (Canadian Imperial Bank of Commerce and the Pigott Building).

(b) 2 transit shelters around the Eaton's Centre, one on James Street North, west side, near York Boulevard and one on York Boulevard, south side, near James Street North.

(c) 1 transit shelter to be installed in front of the Standard Life Building, north side, of King Street West at Bay Street.

NOTE: On 1989 April 25, City Council approved Phase I of the H.S.R. Transit Shelter Proposal as recommended by the Downtown Action Plan Co-ordinating Committee (DAPCOM).

On 1990 July 12 the Downtown Action Plan Co-ordinating Committee with representation from the Urban Design Committee and the Veteran's Committee, heard a presentation by H.S.R. regarding the placement of additional transit shelters in the downtown area.

DAPCOM did not approve the location of any transit shelters in the Gore Park area until the Public Works Department co-ordinates a Committee and initiates a comprehensive review of Gore Park, its maintenance, uses and design elements and reports back to the Downtown Action Plan Co-ordinating Committee. This Committee will be comprised of representatives from DAPCOM, CAPIC, Urban Design, the Downtown Promenade B.I.A. and various technical staff.

4. Phase IV of the Downtown Action Plan; Implementation of the Sanitation Recommendation - Public Service Announcement.

The Committee was in receipt of a report from the Director of Community Development dated 1990 August 15, respecting Phase IV of the Downtown Action Plan and Implementation of the Sanitation Recommendation.

The Committee approved the following:

That, the Sanitation Implementation Committee proceed with the development of a second yearly "Keep Hamilton Clean Public Service Announcement" in co-ordination with the Broadcasting Department at Mohawk College, the Keep Hamilton Clean Committee and the Downtown Action Plan Co-ordinating Committee (DAPCOM) to promote the objectives of Phase IV of the Downtown Action Plan, Sanitation Study.

NOTE: The approximate cost to hold a Public Service Announcement competition is three thousand dollars ($3,000.) Funds are available in Phase IV of the Downtown Action Plan under the Account No. CF 5698 428803006.

DIRECTOR OF PROPERTY

5. Use of a portion of Commonwealth Square by H.E.C.F.I. (Hamilton Place)

The Committee was in receipt of a report by the Director of Property dated 1990 August 10, respecting Use of a portion of Commonwealth Square by H.E.C.F.I. (Hamilton Place).

The Committee approved the following:

(a) That Hamilton Entertainment and Convention Facilities Inc. (Hamilton Place Theatre) be authorized to use a portion of Commonwealth Square measuring approximately 36 feet x 60 feet, situated immediately west of the doors leading to and from the Piano Nobile of the Theatre, for the purposes of establishing an outdoor patio to be used in conjunction with events taking place at the Theatre, at the pleasure of City Council.

(b) That the use of Commonwealth Square by Hamilton Entertainment and Convention Facilities Inc. be approved subject to Hamilton Entertainment and Convention Facilities Inc. receiving approval from the Liquor Licence Board of Ontario to extend their licence to this outdoor area.

6. Beasley Priority One Park - (a) Expropriation - 43 Elgin Street, and (b) Lease termination - 44 Elgin Street.

The Committee was in receipt of a report from the Director of Property dated 1990 August 16, respecting Beasley Priority One Park.

The Committee approved the following:

(a) That the non-residential property located at 43 Elgin Street which was approved for acquisition by City Council on 1976 March 9, be acquired through expropriation for municipal and park purposes and that the City Solicitor be directed to take the appropriate actions required, including preparation of all appropriate by-laws.

(b) That the City Clerk be authorized and directed to:

(i) Give Notice of the City's Application as Expropriating Authority to all owners, registered owners and tenants (as defined in The Expropriations Act) for approval to expropriate for Park and Recreational purposes pursuant to the approved Beasley Neighbourhood Plan;

(ii) Advertise Notice of the City's Application in a newspaper as required by the Expropriations Act; and,

(iii) Sign and receive the said Application for Approval to Expropriate.

(c) That the amount of $150,000. be transferred from Account No. CH 00201 (Reserve for Parklands) to Account No. CF 5590 628650005 (Beasley Park Acquisition).

(d) That the costs associated with this expropriation be charged to Account No. CF 5590 628650005 (Beasley Park Acquisition).

(e) That the Director of Property and the City Solicitor be authorized to terminate the lease and obtain vacant possession of the property located at 44 Elgin Street.

NOTE: The subject lands are required to implement the approved Beasley Neighbourhood Plan, first adopted by City Council on 1973 November 27, and most recently revised in 1990 January. The subject lands have been designated "Park and Recreational" on the plan, and more specifically, have been designated as a "Priority One Park" pursuant to Council's adoption of Section 17 of the Report of the Board of Control on 1976 March 9.

In order to meet the critical path scheduling for construction in the Spring of 1991 for the Central/Beasley P.R.I.D.E. programme, approved by City Council in the 1990-1994 Capital Budget and 50% funded by the Province, expropriation is required at this time. This is consistent with the policy approved by City Council on 1977 May 10 by the adoption of Item 4(c) of the Fifth Report of the Parks and Recreation Committee.

ZONING APPLICATIONS

7. Zoning Application 90-24, for land at the rear part of property at 779 Rymal Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 1, respecting amended Zoning Application 90-24, for property at the rear of 779 Rymal Road East.

Report of the circularization was given as follows:

29 Notices sent 3 in favour O opposed

The Committee approved the following:

That approval be given to amended Zoning Application 90-24, Pietro and Maria Giraldi, owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to create three building lots for single-family detached dwellings, fronting onto Eaglewood Drive, for property located at the rear of 779 Rymal Road East, as shown on the attached map marked as Appendix "A", on the following basis:

(a) That the subject property be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council; and,

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at the rear of 779 Rymal Road East.

The effect of the By-law is to create three building lots for single-family detached dwellings, fronting onto Eaglewood Drive.

8. Zoning Application 90-47, for properties at 156-158 Catherine Street South.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 15, respecting Zoning Application 90-47, for properties at 156-158 Catherine Street South.

Report of the circularization was given as follows:

707 Notices sent 33 in favour 10 opposed

Maria Balla, 78 Yonge Street spoke to the Committee and indicated that many accidents had occurred at this location. She also indicated that a parking lot on this property is not appropriate as a result of these occurrences.

The Committee was in receipt of a letter from Renate Manthei, Director, Women's Centre of Hamilton-Wentworth who owns property at 80 Augusta Street. Ms. Manthei indicated that she is opposed to the application since there is a need for affordable housing which these buildings if repaired could provide.

A representative for the applicant spoke to the Committee and advised that these buildings should not be repaired and that the parking lot would be small. He also added that the lot is made available to people in the area at no cost, and therefore is not a money maker.

The Committee then approved the following recommendation:

(a) That Zoning Application 90-47, Buckingham York Ltd, owner, requesting a modification to the "E-3" (High Density Multiple Dwellings) District, to permit the use of the subject lands for a temporary parking lot not to exceed three years, for the properties located at 150-158 Catherine Street South, as shown on the attached map marked as Appendix "B", be DENIED as submitted, for the following reason:

(i) A portion of the subject lands (150-152 Catherine Street South) is occupied by two "listed" heritage buildings. In this regard, City Council previously denied the applicant's request for a demolition permit and placed the lands under Demolition Control. Approval of the application would undermine the intent of Council's application of the Demolition Control provisions of the Planning Act.

(b) That approval be given to an amended Zoning Application 90-47, Buckingham York Ltd, owner, requesting a modification to the "E-3" (High Density Multiple Dwellings) District, to permit the use of the subject lands for a temporary parking lot not to exceed three years, for the properties located at 156-158 Catherine Street South, as shown on the attached map marked as Appendix "C", on the following basis:

(i) That the "E-3" (High Density Multiple Dwellings) District regulations, as contained in Section 11C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(1.) That notwithstanding Section 11C(1)(i) of By-law No. 6593 and in accordance with Section 38 of the Planning Act R.S.O. 1983, the temporary parking of motor vehicles for a three year period from the date of the passing of the by-law shall be permitted.

(2.) That a minimum 1.5 m wide landscaped strip and a 1.2 to 2.0 m high visual barrier shall be provided and maintained along the northerly and westerly lot lines.

(3.) That a minimum 1.5 m wide landscaped strip shall be provided and maintained along the easterly and southerly lot lines except for any area(s) used for vehicular access.

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1186, and that the subject lands on Zoning District Map E-5 be notated S-1186;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;

(iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(c) That the amending by-law not be passed by City Council until a Site Plan has been approved by the Planning and Development Committee.

NOTE: The purpose of the by-law is to provide for a modification to the "E-3" (High Density Multiple Dwellings) District, for the properties located at 156-158 Catherine Street South.

The effect of the by-law is to permit the use of the subject lands for a temporary parking lot not to exceed three years. In addition, the by-law provides for the following special requirements:

(a) A minimum 1.5 m wide landscaped strip and a 1.2 to 2.0 m high visual barrier to be provided and maintained along the northerly and westerly lot lines; and,

(b) A minimum 1.5 m wide landscaped strip to be provided and maintained along the easterly and southerly lot lines except for any area(s) used for vehicular access.

9. Zoning Application 90-53, for property at 164 Limeridge Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 15, for Zoning Application 90-53 for property at 164 Limeridge Road East.

The staff recommendation recommended approval of this Zoning Application to establish appropriate zoning for the existing Builder's Supply business and permit the construction of a new warehouse on the property.

Report of the circularization was given as follows:

279 Notices sent 13 in favour 8 opposed

The Committee was in receipt of the following Letters of Submission:

(a) Mr. & Mrs. LaSala, 169 Limeridge Road East - opposition
(b) Mr. & Mrs. Mule, 165 Limeridge Road East - opposition
(c) Submission of Petition - opposition

Mr. Bruce Hunt, who lives across from the property spoke to the Committee and expressed frustration at the amount of dirt generated by the business, as well as noisy trucks. Mr. Hunt also indicated that trucks are putting gravel on his driveway and that the Company will not assume responsibility for the clean-up that results from accidents whereby materials are being dumped by trucks onto the road, and thus onto his property. Mr. Hunt also added that traffic often is blocked by transport trucks going in and out of the business. Mr. Hunt also indicated that his neighbours had understood that this business was going to move.

The Committee was also in receipt of a Letter of Submission from Mrs. Evelyn G. Conway, 139 Limeridge Road East.

Mr. Head, Manager of the Hamilton Builder's Supply Limited, and representing the applicants spoke to the Committee and indicated that he was unaware of the complaints Mr. Hunt mentioned and will address them. He also added that berms and landscaping will block the view into the Company and that they are trying to get a building permit to build a warehouse to store a lot of the supplies that are presently store outside.

The Committee then discussed this matter at great length and agreed to **DENY** this Zoning Application as follows:

That Zoning Application 90-53, Hamilton Builders Supply Ltd., owner, requesting a modification to the established "AA" (Agricultural) District regulations, to establish the appropriate zoning for the existing builders supply business and permit the construction of a new warehouse on the property located at 164 Limeridge Road East, as shown on the attached map marked as Appendix "D" be **DENIED** for the following reasons:

(a) It is contrary to the Official Plan which designates the property "Residential"; and,

(b) The use would be incompatible and out of character with existing and proposed development in the surrounding area.

10. Zoning Application 90-45, for property at 39 and 41 Devonport Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 10, respecting Zoning Application 90-45 for properties at 39 and 41 Devonport Street.

Report of the circularization was given as follows:

99 Notices sent 9 in favour 1 opposed

The Committee approved the following:

That approval be given to Zoning Application 90-45 Simcoe and Erie General Insurance Co., Lessee, for a further modification to the established "L-mr-2" (Planned Development - Multiple Residential) District regulations, to permit an extension of the temporary use of the lands for parking purposes for a further three-year period in accordance with Section 38 of the Planning Act, for property located at 39 and 41 Devonport Street, as shown on the attached map marked as Appendix "E", on the following basis:

(a) That the "L-mr-2" (Planned Development - Multiple Residential) District regulations as contained in Section 17B(6)(a)(iii) of Zoning By-law No. 6593, as amended by By-law 82-225, be modified in accordance with Section 38 of the Planning Act, R.S.O. 1983, to permit the temporary use of the lands for parking of motor vehicles accessory to the use of the land at 505 York Blvd. for a further three-year period during which the owner of the land at the time of passing of this By-law continues to be the owner thereof, whichever is the lesser;

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-717b, and the subject lands on Zoning District Map W-11 be notated S-717b;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-11 for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a further modification to the "L-mr-2" (Planned Development - Multiple Residential) District regulations applicable to property located at 39 and 41 Devonport Street.

The effect of the By-law is to permit the temporary use of the lands for parking purposes accessory to the use of land located at 505 York Blvd., for a further three-year period in accordance with Section 38 of the Planning Act or for the period during which the owner of the land at the date of passing of this By-law continues to be the owner thereof, whichever is the lesser.

11. Zoning Application 90-51, for property on the east side of Pritchard Road in the area south of Highland Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 13, respecting Zoning Application 90-51, for property on the east side of Pritchard Road in the area south of Highland Road.

The Committee approved the following:

(a) That approval be given to Zoning Application 90-51, 789068 Ontario Ltd. (D. Valentini), owner, requesting a modification to the established "M-13" (Prestige Industrial) District regulations, to permit development of the subject lands for a customer service and plant service depot for Union Gas, for property located on the east side of Pritchard Road in the area south of Highland Road, as shown on the attached map marked as Appendix "F", on the following basis:

(i) That the "M-13" (Prestige Industrial) District regulations, as contained in Section 17E of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special provisions:

(1.) That notwithstanding Section 17E(1)(c), the following Commercial use shall be permitted:

Use Not Prohibited	S.I.C. Number
Other Services to Buildings and Dwellings	9959

(2.) That notwithstanding Section 17E(1)(d), the following Industrial use shall be permitted:

Use Not Prohibited	S.I.C. Number
Dry Heating and Gas Piping Work	4242

(ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-79D for presentation to City Council;

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1187, and the subject lands on Zoning District Map E-79D be notated S-1187; and,

(iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(b) That the amending By-law not be forwarded for passage by City Council until such time as the applicant/owner has submitted an agreement, registered on the title of the property to the satisfaction of the City Solicitor, stating that the owner recognizes and agrees that Pritchard Road, south of Harlowe Road, will be closed, and that the owner will acquire from the City of Hamilton half of the closed road allowance, should he/she not have legal frontage on Harlowe Road, and that all expenses involved in relocating the access, etc., as a result of this road closure, etc., will be the responsibility of the applicant/owner of the lands to be rezoned.

NOTE: The purpose of the By-law is to provide for a modification to the established "M-13" (Prestige Industrial) District regulations, for property located on the east side of Pritchard Road in the area south of Highland Road.

The effect of the By-law is to permit development of the subject lands for a customer service and plant service depot for Union Gas.

12. **Zoning Application 90-19, for property at the south-west corner of Upper Sherman Avenue and Limeridge Road East.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 7, respecting Zoning Application 90-19, for property at the south-west corner of Upper Sherman Avenue and Limeridge Road East.

The staff recommendation recommended **DENIAL** of this application for the following reasons:

(a) The proposed uses would be incompatible and out of character with existing and proposed low density housing in this area as the requested range of commercial uses are not oriented to serve the daily needs of the area residents; and,

(b) There is an adequate supply of commercially zoned and designated land in the area to serve the needs of the present and future inhabitants between Upper Wentworth Street and Upper Gage Avenue, south of Mohawk Road.

The Committee discussed this matter and **APPROVED** the amended Zoning Application as follows:

That approval be given to amended Zoning Application 90-19, David John Armstrong, owner, requesting a further modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations, to permit professional offices (excluding medical and dental), a dry cleaner outlet, barber shop/hairdresser, video store, shoe store, bank, clothing store, drug store, TV/appliance store, and photo studio, for property located at the southwest corner of Upper Sherman Avenue and Limeridge Road East, as shown on the attached map marked as Appendix "G", on the following basis:

(a) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, as amended by By-law No. 88-205, applicable to the subject lands, be further modified to include the following variances as special provisions:

(i) That notwithstanding Section 14A(1), only the following additional commercial uses shall be permitted:

(1.) a television and appliance store;
(2.) a bank;
(3.) a clothing store;
(4.) a shoe store;
(5.) professional offices (excluding medical and dental);
(6.) a collecting and distributing station for dry cleaning;
(7.) a barber shop/hairdresser;
(8.) a video store;
(9.) a drug store; and,
(10.) a photo studio.

(b) That a landscaped strip of not less than 3.0 m in width and a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the entire westerly and southerly lot lines.

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1084b, and the subject lands on Zoning District Maps E-27A and E-27B be notated S-1084b;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-27A and E27B for presentation to City Council; and,

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a further modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations, for property located at the southwest corner of Upper Sherman Avenue and Limeridge Road East.

The effect of the By-law is to permit, in addition to the previously approved variety store, the following additional commercial uses:

(a) a television and appliance store;
(b) a bank;
(c) a clothing store;
(d) a shoe store;
(e) professional offices (excluding medical and dental);
(f) a dry cleaner outlet;
(g) a video store;
(h) a barber shop/hairdresser;
(i) a drug store; and,
(j) a photo studio.

The By-law also requires, as special provisions, that a landscaped strip of not less than 3.0 m in width and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire westerly and southerly lot lines.

13. Zoning Application 90-31, for property at 710 Upper James Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 15, respecting Zoning Application 90-31, for property at 710 Upper James Street.

The Committee was in receipt of a request from the applicant that this matter be tabled due to a family emergency.

The Committee was also in receipt of a Letter of Submission from Henry Hadala, 163 Allenby Avenue in opposition to this application.

The Committee agreed to **TABLE** Zoning Application 90-31, in accordance with the request of the applicant.

14. Zoning Application 88-124, for properties at 694-696 Upper James Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 15, respecting Zoning Application 88-124, for properties at 694-696 Upper James Street.

The Committee was also in receipt of a Letter of Submission from the applicant requesting that the Zoning Application be tabled due to a family emergency.

The Committee agreed to **TABLE** the Zoning Application 88-124, in accordance with the request of the applicant.

15. Zoning Application 89-95, for property at 323 and 325 Wentworth Street North.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 July 31, respecting Zoning Application 89-95, for properties at 323 and 325 Wentworth Street North.

The Committee was in receipt of an added Letter of Submission from Lisa S. Corne, Solicitor representing Westinghouse Canada Inc., in opposition to Zoning Application 89-95.

The Committee was also in receipt of a letter from Alan B. Silver, representing Diton Construction (Ontario) Limited, applicants for Zoning Application 89-95, requesting that this application be tabled.

The Committee then agreed to **TABLE** Zoning Application 89-95, in accordance with the request of the applicant.

16. Zoning Application 89-101, for properties at 1334, 1340, 1342 and 1348 Upper Sherman Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 3, respecting amended Zoning Application 89-101, for properties at 1334, 1340, 1342 and 1348 Upper Sherman Avenue.

Report of the circularization was given as follows:

149 Notices sent 3 in favour 20 opposed

The Committee was also in receipt of the following Letters of Submission:

(a) Mr. & Mrs. K. D. Chesla, 7 Ruby Street - opposed
(b) Richard Baranas, 122 Rowntree Drive - opposed
(c) Mr. Vidakovic, 65 Rupert Court - opposed

Mr. Ron Duriki, 63 Rushdale Drive spoke in opposition to the Application to permit townhousing. He added that the area is over-saturated and that other areas should be accepting their share of townhousing. He also mentioned a heavy traffic flow in the area already.

Mr. Bill McBride, Ruby Street spoke in opposition to the application and the proposal for the highrise aspects of the development. He added that traffic is very intense in the area and he is concerned at increased density should the application be approved.

A resident of property on Highridge Street spoke to the Committee in opposition to the application and added that the area is too densely populated already and that the main roads are becoming speedways.

Mr. John Parente, Solicitor and representative for the owners, spoke to the Committee and asked that his application be amended to remove the 3m landscaping strip requirement.

The Committee then approved the following:

(a) That amended Zoning Application 89-101, Joe Mancinelli, Henry Mancinelli and Ricardo Persi, owners, requesting a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District to permit a townhouse or apartment development on property located at 1334, 1340, 1342 and 1348 Upper Sherman Avenue, as shown on the attached map marked as Appendix "H", be **DENIED** for the following reasons:

(i) The proposal to permit apartments conflicts with the intent of Subsection D.2 Neighbourhood Plan Policies of the Official Plan. In this regard, the proposal conflicts with the intent of the approved Rushdale Neighbourhood Plan which designates the lands for "Attached Housing".

(ii) Under the requested "E-2" District, approval could result in an 8 storey, approximately 90 unit apartment building which would be incompatible and out of character with existing and proposed development in this area, which is primarily comprised of single-family dwellings and townhouse dwellings.

(iii) Approval of this application may encourage other similar applications which, if approved, would undermine the intent of the Neighbourhood Plan and change the character of the area.

(b) That approval be given to an amended Zoning Application 89-101, Joe Mancinelli, Henry Mancinelli and Ricardo Persi, owners, for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District, to permit a townhouse development on property located at Nos. 1334, 1340, 1342 and 1348 Upper Sherman Avenue, as shown on the attached map marked as Appendix "H", on the following basis:

(i) That the subject lands be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;

(ii) That "RT-20" (Townhouse-Maisonette) District regulations as contained in Section 10E of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:

(1.) That notwithstanding Section 10E(2)(a)3, Street Townhouse Dwellings shall be prohibited.

(2.) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the northerly and southerly side lot lines and along the rear lot line;

(3.) That a minimum 1.2 m high to 2.0 m high visual barrier shall be provided and maintained within the required landscaped planting strips;

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1188, and that the subject lands on Zoning District Map E-27C be notated S-1188;

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;

(v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District for property located at 1334, 1340, 1342 and 1348 Upper Sherman Avenue.

The effect of the By-law is to permit a Townhouse or Maisonette development on the subject lands.

In addition, the By-law provides for the following variances as special requirements:

(a) To prohibit Street Townhouse Dwellings;

(b) To require a minimum 3.0 m wide landscaped planting strip to be provided and maintained along the northerly and southerly side lot lines and along the rear lot line;

(c) To require a minimum 1.2 m to 2.0 m high visual barrier to be provided and maintained within the required landscaped planting strips.

Alderman Merling **OPPOSED.**

IN CAMERA AGENDA

The Committee agreed to **TABLE** the In-Camera Agenda respecting a report from the Building Commissioner until the next meeting of the Committee.

DIRECTOR OF LOCAL PLANNING

17. Zoning Application 90-36, for properties at the rear parts of 1422 and 1430 Upper Sherman Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 14, respecting amended Zoning Application 90-36, for properties at the rear of 1422 and 1430 Upper Sherman Avenue.

The Committee approved the following:

That Item 13 of the Thirteenth Report for 1990 of the Planning and Development Committee, adopted by City Council at its meeting of 1990 July 31, regarding amended Zoning Application 90-36, Carriage Gate Homes Ltd., prospective owners, be repealed and replaced with the following revised resolution:

"That approval be given to amended Zoning Application 90-36, Carriage Gate Homes Ltd., prospective owners, requesting changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), to permit the development of the subject lands for small lot single-family dwellings, for the property located at the rear parts of 1422 and 1430 Upper Sherman Avenue, as shown on the attached map marked as Appendix "I", on the following basis:

(a) That Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

(b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), for the property located at the rear parts of 1422 and 1430 Upper Sherman Street.

The effect of the by-law is to permit the development of the subject lands for small lot single-family dwellings".

18. Proposed Amendment No. 23 to the Official Plan of the City of Stoney Creek.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 15, respecting proposed Amendment No. 23 to the Official Plan of the City of Stoney Creek.

The Committee approved the following:

(a) That the Regional Municipality of Hamilton-Wentworth be notified that the City of Hamilton is not opposed to the proposed Official Plan Amendment No. 23 to the City of Stoney Creek;

(b) That the City Clerk be directed to inform the Regional Municipality of Hamilton-Wentworth regarding (a) above, and forward a copy of the Staff report to the Region.

(c) That Planning Staff be directed to undertake a review of the green link within the Mountain Industrial Area.

19. Proposed renaming of Alma Avenue to Eaglewood Drive.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 3, respecting the proposed renaming of a street name of Alma Avenue to Eaglewood Drive.

The Committee approved the following:

(a) That approval be given to proceed with the required publication of a proposed by-law to rename Alma Avenue to Eaglewood Drive.

(b) That approval be given to hold a public meeting to consider the passing of a by-law to change the name of Alma Avenue to Eaglewood Drive.

Adjournment

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary

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PLANNING AND DEVELOPMENT COMMITTEE
1990 OCTOBER 3RD

GOVERNMENT DOCUMENTS

CONSENT AGENDA

ADOPTION OF THE MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE:

A. Minutes of the Meeting of the Planning and Development Committee held on Wednesday, 1990 August 22nd.

BUILDING COMMISSIONER - DEMOLITION PERMIT APPLICATIONS

B. 2553 Barton Street East

C. 373 Sherman Avenue North

DIRECTOR OF LOCAL PLANNING

D. By-law to remove Part-lot control from Lots 1-30, 53-67, 69-138 inclusive "140" of Registered Plan 62M-639.

Wednesday, 1990 August 22
9:00 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman D. Drury
Alderman M. Kiss
Alderman W. McCulloch
Alderman H. Merling

Regrets: Alderman D. Ross - Vacation

Also present: Alderman T. Murray
Alderman J. Gallagher
Alderman D. Agostino
Dr. Johnson, Board of Education representative
Mr. L. Sage, Chief Administrative Officer
Mr. A. Georgieff, Director of Local Planning
Mr. P. Mallard, Planning Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. K. Brenner, Regional Engineering Department
Mr. R. Karl, Traffic Department
Mr. L. King, Building Commissioner
Mr. B. Allick, Building Department
Mr. R. Doucet, Building Department
Ms. P. Noé Johnson, City Solicitor
Mrs. Susan K. Reeder, Secretary

CONSENT AGENDA

(A) ADOPTION OF THE MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE

The Committee was in receipt of the minutes of their regular meeting held 1990 July 25, and minutes of a special meeting held 1990 July 31, and approved these minutes.

(B) DIRECTOR OF COMMUNITY DEVELOPMENT

(a) 201 King Street East

The Committee was in receipt of a report from the Director of Community Development dated 1990 July 27, respecting Commercial Facade Loan Programme Application for property at 201 King Street East.

The Committee approved the following:

That a repayable loan under the Commercial Facade Loan Programme, in the amount of twelve thousand, eight hundred and forty-one dollars ($12,841.) be approved for 201 King Street East, Mr. F. Lauinger. The interest rate will be 7-3/8 percent, amortized over 10 years.

(b) Increase for 207-209 King Street East

The Committee was in receipt of a report from the Director of Community Development dated 1990 July 25, respecting a Commercial Facade Loan Programme Application for an increase for property at 207-209 King Street East.

The Committee approved the following:

That an increase under the Commercial Facade Loan Programme, in the amount of three thousand, nine hundred and forty-five dollars ($3,945.) be approved for 207-209 King Street East, Mr. Ung Kim, for a new loan amount of forty-two thousand, two hundred and forty-six dollars ($42,246.). The interest rate will be 7-3/8 percent, amortized over 10 years.

CITY SOLICITOR

(C) By-law - proposed expropriation - 19 Gerrard Street and 393 Sherman Avenue North

The Committee was in receipt of a report from the City Solicitor dated 1990 July 31, respecting the approval of a Draft Expropriation By-law for properties at 19 Gerrard Street and 393 Sherman Avenue North.

The Committee approved the following:

That the City Solicitor be authorized and directed to prepare an Expropriation By-law to expropriate properties at 19 Gerrard Street and 393 Sherman Avenue North for the purpose of acquiring lands, buildings and structures used or erected for a purpose that does not conform with a by-law passed under Section 34(8) of The Planning Act, S. O. 1983, Chapter 1.

NOTE: These two residential properties are required to remove residential uses from the Industrial zoned areas of the Alpha Enclave, which are west of Sherman Avenue North and north of Barton Street East. To date, the City has already acquired 24 of the 39 properties in the Alpha West part of this project. As authorized by Council on 1989 June 27, and 1989 March 28, Notice of the City's intention to expropriate these two residential properties in an industrial zone have been advertised and served upon all persons having an interest in these lands and no request for an inquiry hearing into the proposed expropriations has been received.

(D) By-law - City Initiative 88-K - Day Nurseries

The Committee was in receipt of a report from the City Solicitor dated 1990 August 15, respecting approval of the By-law for Day Nurseries (City Initiative 88-K).

The Committee approved the By-law which was presented to City Council.

ACTING COMMISSIONER OF ENGINEERING

(E) Cash-in-lieu of 5% Parkland Dedication - Beaverton Estates Subdivision

The Committee was in receipt of a report from the Acting Commissioner of Engineering dated 1990 August 16, respecting Beaverton Estates Subdivision.

The Committee approved the following:

That the City of Hamilton accept the sum of $10,200. as cash payment in lieu of 5% parkland dedication, in connection with Beaverton Estates, Hamilton, this being the cash requirement under Section 50 of the Planning Act.

NOTE: These lands are located west of Upper Sherman Avenue and south of Stone Church Road East in the Butler Neighbourhood, Hamilton.

REGULAR AGENDA

BUILDING COMMISSIONER

1. Clearing of premises - 1306 King Street East.

The Committee was in receipt of a report from the Building Commissioner dated 1990 August 15, respecting the clearing of premises at 1306 King Street East.

The Committee approved the following:

(a) That the City Solicitor be authorized to prepare a by-law for the clearing of the premises located at municipal number 1306 King Street East of domestic and industrial waste, for presentation to City Council.

(b) That the City Solicitor be authorized to prepare a by-law for the repair of the building in accordance with the Orders issued, which have been before the courts and convictions registered, for presentation to City Council.

NOTE: The cost of the removal of this domestic waste and repairs to the building will be added to the tax roll to be collected in a like manner as municipal taxes. It is estimated that the cost of the removal of this waste and repairs to be approximately $5,000. plus administration costs.

2. Demolition Permit Applications:

The Committee was in receipt of reports from the Building Commissioner respecting Demolition Permit Applications and the Committee approved the following:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

(a) 702 Stone Church Road East

(b) 46 Limeridge Road East

DIRECTOR OF COMMUNITY DEVELOPMENT

3. Hamilton Street Railway Proposal for Locating Transit Shelters in the Downtown Hamilton Area.

The Committee was in receipt of a report from the Director of Community Development dated 1990 August 14, respecting the Hamilton Street Railway Proposal for Locating Transit Shelters in the Downtown Hamilton Area.

The Committee approved the following:

That in accordance with Phase II of the H.S.R. Bus Shelter Proposal, that the H.S.R. be given approval to install bus shelters in the proposed locations other than Gore Park as follows:

(a) 2 transit shelters on James Street South, west side, south of King Street West (Canadian Imperial Bank of Commerce and the Pigott Building).

(b) 2 transit shelters around the Eaton's Centre, one on James Street North, west side, near York Boulevard and one on York Boulevard, south side, near James Street North.

(c) 1 transit shelter to be installed in front of the Standard Life Building, north side, of King Street West at Bay Street.

NOTE: On 1989 April 25, City Council approved Phase I of the H.S.R. Transit Shelter Proposal as recommended by the Downtown Action Plan Co-ordinating Committee (DAPCOM).

On 1990 July 12 the Downtown Action Plan Co-ordinating Committee with representation from the Urban Design Committee and the Veteran's Committee, heard a presentation by H.S.R. regarding the placement of additional transit shelters in the downtown area.

DAPCOM did not approve the location of any transit shelters in the Gore Park area until the Public Works Department co-ordinates a Committee and initiates a comprehensive review of Gore Park, its maintenance, uses and design elements and reports back to the Downtown Action Plan Co-ordinating Committee. This Committee will be comprised of representatives from DAPCOM, CAPIC, Urban Design, the Downtown Promenade B.I.A. and various technical staff.

4. Phase IV of the Downtown Action Plan; Implementation of the Sanitation Recommendation - Public Service Announcement.

The Committee was in receipt of a report from the Director of Community Development dated 1990 August 15, respecting Phase IV of the Downtown Action Plan and Implementation of the Sanitation Recommendation.

The Committee approved the following:

That, the Sanitation Implementation Committee proceed with the development of a second yearly "Keep Hamilton Clean Public Service Announcement" in co-ordination with the Broadcasting Department at Mohawk College, the Keep Hamilton Clean Committee and the Downtown Action Plan Co-ordinating Committee (DAPCOM) to promote the objectives of Phase IV of the Downtown Action Plan, Sanitation Study.

NOTE: The approximate cost to hold a Public Service Announcement competition is three thousand dollars ($3,000.) Funds are available in Phase IV of the Downtown Action Plan under the Account No. CF 5698 428803006.

DIRECTOR OF PROPERTY

5. Use of a portion of Commonwealth Square by H.E.C.F.I. (Hamilton Place)

The Committee was in receipt of a report by the Director of Property dated 1990 August 10, respecting Use of a portion of Commonwealth Square by H.E.C.F.I. (Hamilton Place).

The Committee approved the following:

(a) That Hamilton Entertainment and Convention Facilities Inc. (Hamilton Place Theatre) be authorized to use a portion of Commonwealth Square measuring approximately 36 feet x 60 feet, situated immediately west of the doors leading to and from the Piano Nobile of the Theatre, for the purposes of establishing an outdoor patio to be used in conjunction with events taking place at the Theatre, at the pleasure of City Council.

(b) That the use of Commonwealth Square by Hamilton Entertainment and Convention Facilities Inc. be approved subject to Hamilton Entertainment and Convention Facilities Inc. receiving approval from the Liquor Licence Board of Ontario to extend their licence to this outdoor area.

6. Beasley Priority One Park - (a) Expropriation - 43 Elgin Street, and (b) Lease termination - 44 Elgin Street.

The Committee was in receipt of a report from the Director of Property dated 1990 August 16, respecting Beasley Priority One Park.

The Committee approved the following:

(a) That the non-residential property located at 43 Elgin Street which was approved for acquisition by City Council on 1976 March 9, be acquired through expropriation for municipal and park purposes and that the City Solicitor be directed to take the appropriate actions required, including preparation of all appropriate by-laws.

(b) That the City Clerk be authorized and directed to:

(i) Give Notice of the City's Application as Expropriating Authority to all owners, registered owners and tenants (as defined in The Expropriations Act) for approval to expropriate for Park and Recreational purposes pursuant to the approved Beasley Neighbourhood Plan;

(ii) Advertise Notice of the City's Application in a newspaper as required by the Expropriations Act; and,

(iii) Sign and receive the said Application for Approval to Expropriate.

(c) That the amount of $150,000. be transferred from Account No. CH 00201 (Reserve for Parklands) to Account No. CF 5590 628650005 (Beasley Park Acquisition).

(d) That the costs associated with this expropriation be charged to Account No. CF 5590 628650005 (Beasley Park Acquisition).

(e) That the Director of Property and the City Solicitor be authorized to terminate the lease and obtain vacant possession of the property located at 44 Elgin Street.

NOTE: The subject lands are required to implement the approved Beasley Neighbourhood Plan, first adopted by City Council on 1973 November 27, and most recently revised in 1990 January. The subject lands have been designated "Park and Recreational" on the plan, and more specifically, have been designated as a "Priority One Park" pursuant to Council's adoption of Section 17 of the Report of the Board of Control on 1976 March 9.

In order to meet the critical path scheduling for construction in the Spring of 1991 for the Central/Beasley P.R.I.D.E. programme, approved by City Council in the 1990-1994 Capital Budget and 50% funded by the Province, expropriation is required at this time. This is consistent with the policy approved by City Council on 1977 May 10 by the adoption of Item 4(c) of the Fifth Report of the Parks and Recreation Committee.

ZONING APPLICATIONS

7. Zoning Application 90-24, for land at the rear part of property at 779 Rymal Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 1, respecting amended Zoning Application 90-24, for property at the rear of 779 Rymal Road East.

Report of the circularization was given as follows:

29 Notices sent 3 in favour O opposed

The Committee approved the following:

That approval be given to amended Zoning Application 90-24, Pietro and Maria Giraldi, owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to create three building lots for single-family detached dwellings, fronting onto Eaglewood Drive, for property located at the rear of 779 Rymal Road East, as shown on the attached map marked as Appendix "A", on the following basis:

(a) That the subject property be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council; and,

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at the rear of 779 Rymal Road East.

The effect of the By-law is to create three building lots for single-family detached dwellings, fronting onto Eaglewood Drive.

8. Zoning Application 90-47, for properties at 156-158 Catherine Street South.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 15, respecting Zoning Application 90-47, for properties at 156-158 Catherine Street South.

Report of the circularization was given as follows:

707 Notices sent 33 in favour 10 opposed

Maria Balla, 78 Yonge Street spoke to the Committee and indicated that many accidents had occurred at this location. She also indicated that a parking lot on this property is not appropriate as a result of these occurrences.

The Committee was in receipt of a letter from Renate Manthei, Director, Women's Centre of Hamilton-Wentworth who owns property at 80 Augusta Street. Ms. Manthei indicated that she is opposed to the application since there is a need for affordable housing which these buildings if repaired could provide.

A representative for the applicant spoke to the Committee and advised that these buildings should not be repaired and that the parking lot would be small. He also added that the lot is made available to people in the area at no cost, and therefore is not a money maker.

The Committee then approved the following recommendation:

(a) That Zoning Application 90-47, Buckingham York Ltd, owner, requesting a modification to the "E-3" (High Density Multiple Dwellings) District, to permit the use of the subject lands for a temporary parking lot not to exceed three years, for the properties located at 150-158 Catherine Street South, as shown on the attached map marked as Appendix "B", be DENIED as submitted, for the following reason:

(i) A portion of the subject lands (150-152 Catherine Street South) is occupied by two "listed" heritage buildings. In this regard, City Council previously denied the applicant's request for a demolition permit and placed the lands under Demolition Control. Approval of the application would undermine the intent of Council's application of the Demolition Control provisions of the Planning Act.

(b) That approval be given to an amended Zoning Application 90-47, Buckingham York Ltd, owner, requesting a modification to the "E-3" (High Density Multiple Dwellings) District, to permit the use of the subject lands for a temporary parking lot not to exceed three years, for the properties located at 156-158 Catherine Street South, as shown on the attached map marked as Appendix "C", on the following basis:

(i) That the "E-3" (High Density Multiple Dwellings) District regulations, as contained in Section 11C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(1.) That notwithstanding Section 11C(1)(i) of By-law No. 6593 and in accordance with Section 38 of the Planning Act R.S.O. 1983, the temporary parking of motor vehicles for a three year period from the date of the passing of the by-law shall be permitted.

(2.) That a minimum 1.5 m wide landscaped strip and a 1.2 to 2.0 m high visual barrier shall be provided and maintained along the northerly and westerly lot lines.

(3.) That a minimum 1.5 m wide landscaped strip shall be provided and maintained along the easterly and southerly lot lines except for any area(s) used for vehicular access.

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1186, and that the subject lands on Zoning District Map E-5 be notated S-1186;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;

(iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(c) That the amending by-law not be passed by City Council until a Site Plan has been approved by the Planning and Development Committee.

NOTE: The purpose of the by-law is to provide for a modification to the "E-3" (High Density Multiple Dwellings) District, for the properties located at 156-158 Catherine Street South.

The effect of the by-law is to permit the use of the subject lands for a temporary parking lot not to exceed three years. In addition, the by-law provides for the following special requirements:

(a) A minimum 1.5 m wide landscaped strip and a 1.2 to 2.0 m high visual barrier to be provided and maintained along the northerly and westerly lot lines; and,

(b) A minimum 1.5 m wide landscaped strip to be provided and maintained along the easterly and southerly lot lines except for any area(s) used for vehicular access.

9. **Zoning Application 90-53, for property at 164 Limeridge Road East.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 15, for Zoning Application 90-53 for property at 164 Limeridge Road East.

The staff recommendation recommended approval of this Zoning Application to establish appropriate zoning for the existing Builder's Supply business and permit the construction of a new warehouse on the property.

Report of the circularization was given as follows:

279 Notices sent 13 in favour 8 opposed

The Committee was in receipt of the following Letters of Submission:

(a) Mr. & Mrs. LaSala, 169 Limeridge Road East - opposition
(b) Mr. & Mrs. Mule, 165 Limeridge Road East - opposition
(c) Submission of Petition - opposition

Mr. Bruce Hunt, who lives across from the property spoke to the Committee and expressed frustration at the amount of dirt generated by the business, as well as noisy trucks. Mr. Hunt also indicated that trucks are putting gravel on his driveway and that the Company will not assume responsibility for the clean-up that results from accidents whereby materials are being dumped by trucks onto the road, and thus onto his property. Mr. Hunt also added that traffic often is blocked by transport trucks going in and out of the business. Mr. Hunt also indicated that his neighbours had understood that this business was going to move.

The Committee was also in receipt of a Letter of Submission from Mrs. Evelyn G. Conway, 139 Limeridge Road East.

Mr. Head, Manager of the Hamilton Builder's Supply Limited, and representing the applicants spoke to the Committee and indicated that he was unaware of the complaints Mr. Hunt mentioned and will address them. He also added that berms and landscaping will block the view into the Company and that they are trying to get a building permit to build a warehouse to store a lot of the supplies that are presently store outside.

The Committee then discussed this matter at great length and agreed to **DENY** this Zoning Application as follows:

That Zoning Application 90-53, Hamilton Builders Supply Ltd., owner, requesting a modification to the established "AA" (Agricultural) District regulations, to establish the appropriate zoning for the existing builders supply business and permit the construction of a new warehouse on the property located at 164 Limeridge Road East, as shown on the attached map marked as Appendix "D" be **DENIED** for the following reasons:

(a) It is contrary to the Official Plan which designates the property "Residential"; and,

(b) The use would be incompatible and out of character with existing and proposed development in the surrounding area.

10. Zoning Application 90-45, for property at 39 and 41 Devonport Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 10, respecting Zoning Application 90-45 for properties at 39 and 41 Devonport Street.

Report of the circularization was given as follows:

99 Notices sent 9 in favour 1 opposed

The Committee approved the following:

That approval be given to Zoning Application 90-45 Simcoe and Erie General Insurance Co., Lessee, for a further modification to the established "L-mr-2" (Planned Development - Multiple Residential) District regulations, to permit an extension of the temporary use of the lands for parking purposes for a further three-year period in accordance with Section 38 of the Planning Act, for property located at 39 and 41 Devonport Street, as shown on the attached map marked as Appendix "E", on the following basis:

(a) That the "L-mr-2" (Planned Development - Multiple Residential) District regulations as contained in Section 17B(6)(a)(iii) of Zoning By-law No. 6593, as amended by By-law 82-225, be modified in accordance with Section 38 of the Planning Act, R.S.O. 1983, to permit the temporary use of the lands for parking of motor vehicles accessory to the use of the land at 505 York Blvd. for a further three-year period during which the owner of the land at the time of passing of this By-law continues to be the owner thereof, whichever is the lesser;

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-717b, and the subject lands on Zoning District Map W-11 be notated S-717b;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-11 for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a further modification to the "L-mr-2" (Planned Development - Multiple Residential) District regulations applicable to property located at 39 and 41 Devonport Street.

The effect of the By-law is to permit the temporary use of the lands for parking purposes accessory to the use of land located at 505 York Blvd., for a further three-year period in accordance with Section 38 of the Planning Act or for the period during which the owner of the land at the date of passing of this By-law continues to be the owner thereof, whichever is the lesser.

11. Zoning Application 90-51, for property on the east side of Pritchard Road in the area south of Highland Road.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 13, respecting Zoning Application 90-51, for property on the east side of Pritchard Road in the area south of Highland Road.

The Committee approved the following:

(a) That approval be given to Zoning Application 90-51, 789068 Ontario Ltd. (D. Valentini), owner, requesting a modification to the established "M-13" (Prestige Industrial) District regulations, to permit development of the subject lands for a customer service and plant service depot for Union Gas, for property located on the east side of Pritchard Road in the area south of Highland Road, as shown on the attached map marked as Appendix "F", on the following basis:

(i) That the "M-13" (Prestige Industrial) District regulations, as contained in Section 17E of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special provisions:

(1.) That notwithstanding Section 17E(1)(c), the following Commercial use shall be permitted:

Use Not Prohibited	S.I.C. Number
Other Services to Buildings and Dwellings	9959

(2.) That notwithstanding Section 17E(1)(d), the following Industrial use shall be permitted:

Use Not Prohibited	S.I.C. Number
Dry Heating and Gas Piping Work	4242

(ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-79D for presentation to City Council;

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1187, and the subject lands on Zoning District Map E-79D be notated S-1187; and,

(iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(b) That the amending By-law not be forwarded for passage by City Council until such time as the applicant/owner has submitted an agreement, registered on the title of the property to the satisfaction of the City Solicitor, stating that the owner recognizes and agrees that Pritchard Road, south of Harlowe Road, will be closed, and that the owner will acquire from the City of Hamilton half of the closed road allowance, should he/she not have legal frontage on Harlowe Road, and that all expenses involved in relocating the access, etc., as a result of this road closure, etc., will be the responsibility of the applicant/owner of the lands to be rezoned.

NOTE: The purpose of the By-law is to provide for a modification to the established "M-13" (Prestige Industrial) District regulations, for property located on the east side of Pritchard Road in the area south of Highland Road.

The effect of the By-law is to permit development of the subject lands for a customer service and plant service depot for Union Gas.

12. Zoning Application 90-19, for property at the south-west corner of Upper Sherman Avenue and Limeridge Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 7, respecting Zoning Application 90-19, for property at the south-west corner of Upper Sherman Avenue and Limeridge Road East.

The staff recommendation recommended **DENIAL** of this application for the following reasons:

(a) The proposed uses would be incompatible and out of character with existing and proposed low density housing in this area as the requested range of commercial uses are not oriented to serve the daily needs of the area residents; and,

(b) There is an adequate supply of commercially zoned and designated land in the area to serve the needs of the present and future inhabitants between Upper Wentworth Street and Upper Gage Avenue, south of Mohawk Road.

The Committee discussed this matter and **APPROVED** the amended Zoning Application as follows:

That approval be given to amended Zoning Application 90-19, David John Armstrong, owner, requesting a further modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations, to permit professional offices (excluding medical and dental), a dry cleaner outlet, barber shop/hairdresser, video store, shoe store, bank, clothing store, drug store, TV/appliance store, and photo studio, for property located at the southwest corner of Upper Sherman Avenue and Limeridge Road East, as shown on the attached map marked as Appendix "G", on the following basis:

(a) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, as amended by By-law No. 88-205, applicable to the subject lands, be further modified to include the following variances as special provisions:

(i) That notwithstanding Section 14A(1), only the following additional commercial uses shall be permitted:

(1.) a television and appliance store;
(2.) a bank;
(3.) a clothing store;
(4.) a shoe store;
(5.) professional offices (excluding medical and dental);
(6.) a collecting and distributing station for dry cleaning;
(7.) a barber shop/hairdresser;
(8.) a video store;
(9.) a drug store; and,
(10.) a photo studio.

(b) That a landscaped strip of not less than 3.0 m in width and a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the entire westerly and southerly lot lines.

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1084b, and the subject lands on Zoning District Maps E-27A and E-27B be notated S-1084b;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-27A and E27B for presentation to City Council; and,

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a further modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations, for property located at the southwest corner of Upper Sherman Avenue and Limeridge Road East.

The effect of the By-law is to permit, in addition to the previously approved variety store, the following additional commercial uses:

(a) a television and appliance store;
(b) a bank;
(c) a clothing store;
(d) a shoe store;
(e) professional offices (excluding medical and dental);
(f) a dry cleaner outlet;
(g) a video store;
(h) a barber shop/hairdresser;
(i) a drug store; and,
(j) a photo studio.

The By-law also requires, as special provisions, that a landscaped strip of not less than 3.0 m in width and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire westerly and southerly lot lines.

13. <u>Zoning Application 90-31, for property at 710 Upper James Street.</u>

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 15, respecting Zoning Application 90-31, for property at 710 Upper James Street.

The Committee was in receipt of a request from the applicant that this matter be tabled due to a family emergency.

The Committee was also in receipt of a Letter of Submission from Henry Hadala, 163 Allenby Avenue in opposition to this application.

The Committee agreed to **TABLE** Zoning Application 90-31, in accordance with the request of the applicant.

14. <u>Zoning Application 88-124, for properties at 694-696 Upper James Street.</u>

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 15, respecting Zoning Application 88-124, for properties at 694-696 Upper James Street.

The Committee was also in receipt of a Letter of Submission from the applicant requesting that the Zoning Application be tabled due to a family emergency.

The Committee agreed to **TABLE** the Zoning Application 88-124, in accordance with the request of the applicant.

15. Zoning Application 89-95, for property at 323 and 325 Wentworth Street North.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 July 31, respecting Zoning Application 89-95, for properties at 323 and 325 Wentworth Street North.

The Committee was in receipt of an added Letter of Submission from Lisa S. Corne, Solicitor representing Westinghouse Canada Inc., in opposition to Zoning Application 89-95.

The Committee was also in receipt of a letter from Alan B. Silver, representing Diton Construction (Ontario) Limited, applicants for Zoning Application 89-95, requesting that this application be tabled.

The Committee then agreed to **TABLE** Zoning Application 89-95, in accordance with the request of the applicant.

16. Zoning Application 89-101, for properties at 1334, 1340, 1342 and 1348 Upper Sherman Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 3, respecting amended Zoning Application 89-101, for properties at 1334, 1340, 1342 and 1348 Upper Sherman Avenue.

Report of the circularization was given as follows:

149 Notices sent 3 in favour 20 opposed

The Committee was also in receipt of the following Letters of Submission:

(a) Mr. & Mrs. K. D. Chesla, 7 Ruby Street - opposed
(b) Richard Baranas, 122 Rowntree Drive - opposed
(c) Mr. Vidakovic, 65 Rupert Court - opposed

Mr. Ron Duriki, 63 Rushdale Drive spoke in opposition to the Application to permit townhousing. He added that the area is over-saturated and that other areas should be accepting their share of townhousing. He also mentioned a heavy traffic flow in the area already.

Mr. Bill McBride, Ruby Street spoke in opposition to the application and the proposal for the highrise aspects of the development. He added that traffic is very intense in the area and he is concerned at increased density should the application be approved.

A resident of property on Highridge Street spoke to the Committee in opposition to the application and added that the area is too densely populated already and that the main roads are becoming speedways.

Mr. John Parente, Solicitor and representative for the owners, spoke to the Committee and asked that his application be amended to remove the 3m landscaping strip requirement.

The Committee then approved the following:

(a) That amended Zoning Application 89-101, Joe Mancinelli, Henry Mancinelli and Ricardo Persi, owners, requesting a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District to permit a townhouse or apartment development on property located at 1334, 1340, 1342 and 1348 Upper Sherman Avenue, as shown on the attached map marked as Appendix "H", be **DENIED** for the following reasons:

(i) The proposal to permit apartments conflicts with the intent of Subsection D.2 Neighbourhood Plan Policies of the Official Plan. In this regard, the proposal conflicts with the intent of the approved Rushdale Neighbourhood Plan which designates the lands for "Attached Housing".

(ii) Under the requested "E-2" District, approval could result in an 8 storey, approximately 90 unit apartment building which would be incompatible and out of character with existing and proposed development in this area, which is primarily comprised of single-family dwellings and townhouse dwellings.

(iii) Approval of this application may encourage other similar applications which, if approved, would undermine the intent of the Neighbourhood Plan and change the character of the area.

(b) That approval be given to an amended Zoning Application 89-101, Joe Mancinelli, Henry Mancinelli and Ricardo Persi, owners, for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District, to permit a townhouse development on property located at Nos. 1334, 1340, 1342 and 1348 Upper Sherman Avenue, as shown on the attached map marked as Appendix "H", on the following basis:

(i) That the subject lands be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;

(ii) That "RT-20" (Townhouse-Maisonette) District regulations as contained in Section 10E of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:

(1.) That notwithstanding Section 10E(2)(a)3, Street Townhouse Dwellings shall be prohibited.

(2.) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the northerly and southerly side lot lines and along the rear lot line;

(3.) That a minimum 1.2 m high to 2.0 m high visual barrier shall be provided and maintained within the required landscaped planting strips;

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1188, and that the subject lands on Zoning District Map E-27C be notated S-1188;

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;

(v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District for property located at 1334, 1340, 1342 and 1348 Upper Sherman Avenue.

The effect of the By-law is to permit a Townhouse or Maisonette development on the subject lands.

In addition, the By-law provides for the following variances as special requirements:

(a) To prohibit Street Townhouse Dwellings;

(b) To require a minimum 3.0 m wide landscaped planting strip to be provided and maintained along the northerly and southerly side lot lines and along the rear lot line;

(c) To require a minimum 1.2 m to 2.0 m high visual barrier to be provided and maintained within the required landscaped planting strips.

Alderman Merling **OPPOSED.**

IN CAMERA AGENDA

The Committee agreed to **TABLE** the In-Camera Agenda respecting a report from the Building Commissioner until the next meeting of the Committee.

DIRECTOR OF LOCAL PLANNING

17. Zoning Application 90-36, for properties at the rear parts of 1422 and 1430 Upper Sherman Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 14, respecting amended Zoning Application 90-36, for properties at the rear of 1422 and 1430 Upper Sherman Avenue.

The Committee approved the following:

That Item 13 of the Thirteenth Report for 1990 of the Planning and Development Committee, adopted by City Council at its meeting of 1990 July 31, regarding amended Zoning Application 90-36, Carriage Gate Homes Ltd., prospective owners, be repealed and replaced with the following revised resolution:

"That approval be given to amended Zoning Application 90-36, Carriage Gate Homes Ltd., prospective owners, requesting changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), to permit the development of the subject lands for small lot single-family dwellings, for the property located at the rear parts of 1422 and 1430 Upper Sherman Avenue, as shown on the attached map marked as Appendix "I", on the following basis:

(a) That Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

(b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), for the property located at the rear parts of 1422 and 1430 Upper Sherman Street.

The effect of the by-law is to permit the development of the subject lands for small lot single-family dwellings".

18. Proposed Amendment No. 23 to the Official Plan of the City of Stoney Creek.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 15, respecting proposed Amendment No. 23 to the Official Plan of the City of Stoney Creek.

The Committee approved the following:

(a) That the Regional Municipality of Hamilton-Wentworth be notified that the City of Hamilton is not opposed to the proposed Official Plan Amendment No. 23 to the City of Stoney Creek;

(b) That the City Clerk be directed to inform the Regional Municipality of Hamilton-Wentworth regarding (a) above, and forward a copy of the Staff report to the Region.

(c) That Planning Staff be directed to undertake a review of the green link within the Mountain Industrial Area.

19. Proposed renaming of Alma Avenue to Eaglewood Drive.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 3, respecting the proposed renaming of a street name of Alma Avenue to Eaglewood Drive.

The Committee approved the following:

(a) That approval be given to proceed with the required publication of a proposed by-law to rename Alma Avenue to Eaglewood Drive.

(b) That approval be given to hold a public meeting to consider the passing of a by-law to change the name of Alma Avenue to Eaglewood Drive.

Adjournment

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary

CITY OF HAMILTON

B.

— RECOMMENDATION —

DATE: 26 September 1990

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
2553 Barton Street East - Tag Number 80625

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 2553 Barton Street East.

Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "JJ" (Restricted Light Industrial District)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Automotive Repair Garage, permitted use under present zoning.

BRIEF DESCRIPTION: One storey wood frame insul-brick dwelling measuring 39' X 33' in size.

It is the intention of the owner to demolish the existing single family dwelling to make room for a proposed addition to existing automotive repair garage. Lot size 130.53' X 137.20'.

The owner of the property as per the demolition permit application is:

Angela and Paulo Frisina
6 Old Orchard Drive
HAMILTON, Ontario
L8E 1E8

CITY OF HAMILTON

C.

— RECOMMENDATION —

DATE: 26 September 1990

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
373 Sherman Avenue North - Tag Number 80669

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 373 Sherman Avenue North.

Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "K" (Heavy Industry, etc.)

PRESENT USE: Restaurant and Residential Dwellings

PROPOSED USE: Recycling and Processing Plant, permitted use under present zoning.

BRIEF DESCRIPTION: Three storey double brick building measuring 45' X 84' in size.

It is the intention of the owner to demolish the existing restaurant and residential dwellings and propose a recycling and processing plant of non-hazardous construction materials. Lot size 48.50' X 90.00'.

The owner of the property as per the demolition permit application is:

Philip Environmental
52 Imperial Street
HAMILTON, Ontario
L8L 7W2 Telephone 577-6960

D.

FOR ACTION

TO:	**SUSAN K. REEDER, SECRETARY PLANNING AND DEVELOPMENT COMMITTEE**	**DATE:**	**September 26, 1990**
		COMM FILE:	
		DEPT FILE:	**R.P.L.C. 58**

FROM: **J. D. THOMS, COMMISSIONER PLANNING AND DEVELOPMENT DEPARTMENT**

SUBJECT:

By-law to remove part-lot control from Lots 1 to 30, 53 to 67, 69 to 138 inclusive, and Block "140" of Registered Plan 62M-639.

RECOMMENDATION:

1. That the City Solicitor be directed to prepare a by-law to remove part-lot control from Lots 1 to 30, 53 to 67, 69 to 138 inclusive, and Block "140" of Registered Plan 62M-639, for presentation to City Council.

   That the by-law take effect on the date of approval by the Regional Municipality of Hamilton-Wentworth; and,

   That the by-law continue in force for a term not to exceed 1 year from the date of its registration.

2. That the Region be requested to approve the by-law removing part-lot control on the above-noted Lots 1 to 30, 53 to 67, 69 to 138 inclusive, and Block "140" of Registered Plan 62M-639.

3. That upon the fulfilment of the above condition, and within 1 year of registration of the by-law, the City Solicitor prepare a repealing by-law to reinstate part-lot control on the subject property, for presentation to City Council.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

A. L. Georgieff, M.C.I.P.
Director - Local Planning

BACKGROUND

Owner:

Lillian Heights Development Inc., Hamilton, Ontario

COMPILED PLAN
SHOWING
PART OF LOTS 2 TO 16, 18 TO 24, 27 TO 30, 53 TO 67, 69, 70, 71, 73, 74, 75, 76, 79 TO 85, 87 TO 97, 99 TO 112, 114 TO 138 (ALL INCLUSIVE) AND PART OF BLOCK 140.
IN
LILLIAN HEIGHTS - PHASE 2 - REGISTERED PLAN 62M-639
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1" = 100'
A.J. CLARKE O.L.S. - 1989

PLAN 62R-10814

RECEIVED AND DEPOSITED
DATE 1989 12 20
LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.
DATE DECEMBER 14, 1989
GEORGE VINOUCER

PARTS 1 TO 106 INCLUSIVE - PART OF PARCEL PLAN-1, SECTION 62M-639
SUBJECT TO EASEMENT AS SET OUT IN INST. No. 3671 GLANFORD AND AS RESERVED BY INSTRUMENT No. 87896 H.L.

SCHEDULE

PART	LOT	PART	LOT	PART	LOT
1	2	36	61	71	102
2	3	37	62	72	103
3	4	38	63	73	104
4	5	39	64	74	105
5	BLOCK	40	65	75	106
6	6	41	66	76	107
7	7	42	67	77	108
8	8	43	69	78	109
9	9	44	70	79	110
10	10	45	71	80	111
11	11	46	73	81	112
12	12	47	74	82	114
13	13	48	75	83	115
14	14	49	76	84	116
15	15	50	79	85	117
16	16	51	80	86	118
17	17	52	81	87	119
18	19	53	82	88	120
19	20	54	83	89	121
20	21	55	84	90	122
21	22	56	85	91	123
22	23	57	87	92	124
23	24	58	88	93	125
24	27	59	89	94	126
25	28	60	90	95	127
26	29	61	91	96	128
27	30	62	92	97	129
28	53	63	93	98	130
29	54	64	94	99	131
30	65	66	95	100	132
31	56	68	96	101	133
32	57	67	97	102	134
33	58	68	99	103	135
34	59	69	100	104	136
35	60	70	101	105	137
				106	138

PLAN 62M-639
BROUGHTON AVENUE
ESTABLISHED BY PLAN 62M-614
OSSINGTON DRIVE
ESTABLISHED BY PLAN 62M-639
BROUGHTON AVENUE
ESTABLISHED BY PLAN 62M-639
ASHRIDGE PLACE
ESTABLISHED BY PLAN 62M-639
CADHAM BOULEVARD
ESTABLISHED BY PLAN 62M-639
CHARWOOD COURT
ESTABLISHED BY PLAN 62M-639
HARTLEIGH COURT
ESTABLISHED BY PLAN 62M-639
BEAVERBROOK AVENUE
ESTABLISHED BY PLAN 62M-639
LOT 12
CONCESSION ONE
GEOGRAPHIC TOWNSHIP OF GLANFORD
LOT 11 - CONCESSION ONE
BLOCK 141
BLOCK 142
BLOCK 143
BLOCK 144
BLOCK 145
PARCEL PLAN-1, SECTION 62M-639
MUNICIPAL BOUNDARY BETWEEN CITY OF HAMILTON AND TOWNSHIP OF GLANFORD

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THIS PLAN IS AN ACCURATE COMPILATION BASED ON DATA DERIVED FROM PLAN 62M-639.

DECEMBER 14, 1989
A.J. CLARKE O.L.S.

NOTE

1. ALL PARTS LIE WHOLLY WITHIN THE LIMITS OF LOTS AND BLOCKS SHOWN IN SCHEDULE
2. ALL PARTS HAVE A PERPENDICULAR WIDTH OF 1.2 METRES
3. REAR LIMITS OF ALL PARTS ARE PERPENDICULAR TO ADJACENT LOT LINE
4. WIDTHS OF PARTS ARE NOT DRAWN TO SCALE

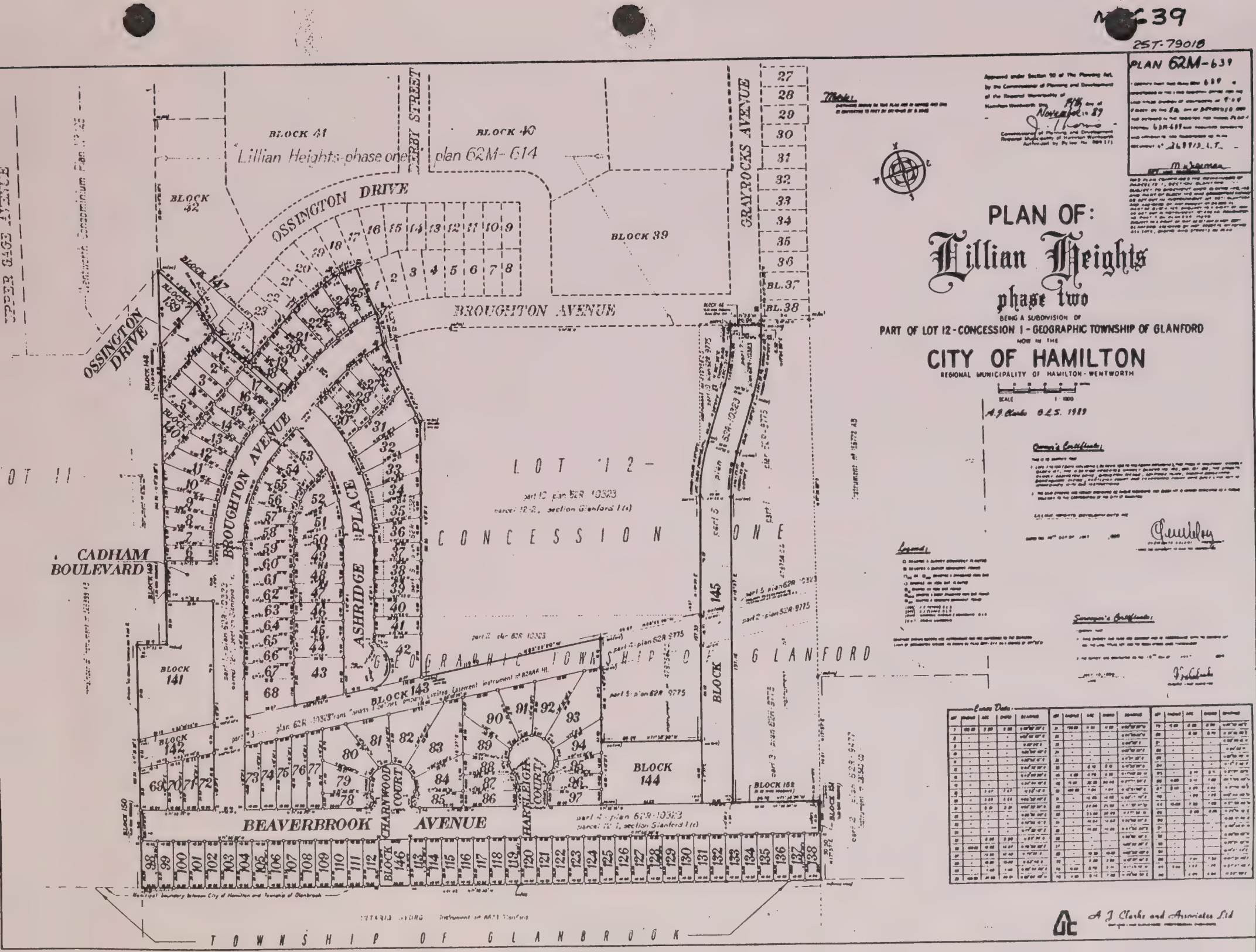
CAUTION

THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

A.J. CLARKE AND ASSOCIATES LTD.
ONTARIO LAND SURVEYORS - CONSULTING ENGINEERS


PLAN 62M-639
PLAN OF:
Lillian Heights
phase two
BEING A SUBDIVISION OF
PART OF LOT 12 - CONCESSION 1 - GEOGRAPHIC TOWNSHIP OF GLANFORD
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH
SCALE 1:1000
A.J. Clarke O.L.S. 1989
Lillian Heights - phase one plan 62M-614
OSSINGTON DRIVE
BROUGHTON AVENUE
ASHRIDGE PLACE
CADHAM BOULEVARD
BEAVERBROOK AVENUE
CHARNWOOD COURT
HARTLEIGH COURT
GRAYROCKS AVENUE
DERBY STREET
BLOCK 39
BLOCK 40
BLOCK 41
BLOCK 42
BLOCK 141
BLOCK 142
BLOCK 143
BLOCK 144
BLOCK 145
BLOCK 146
LOT 12 - CONCESSION ONE
GEOGRAPHIC TOWNSHIP OF GLANFORD
TOWNSHIP OF GLANBROOK
A J Clarke and Associates Ltd

URBAN MUNICIPAL
LIBRARIAN

K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

HAMILTON, ONTARIO
L8N 3T4

TEL: 546-2700
FAX: 546-2095

CAHONHBLA05
C 51 P4
URBAN/MUNICIPAL
1990

~~1990 October 18th~~

URBAN MUNIC. AL
OCT 3 1 1990
GOVERNMENT DOCUMENTS

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1990 October 24th
9:30 o'clock a.m.
Room 233, City Hall

Susan K. Reeder.

Susan K. Reeder
Secretary

PLEASE NOTE LATER START TIME.

AGENDA

1. Consent Agenda.

DIRECTOR OF COMMUNITY DEVELOPMENT

2. Crown Point East/McAnulty Neighbourhoods, P.R.I.D.E., 1991-1995 Capital Budget.

DIRECTOR OF PROPERTY

3. Permission to allow the Royal Bank of Canada to assign the Tunnel Easement; assign the Areaway Easement; amend the City's 1972 Abandonment Agreement.

CITY SOLICITOR

4. Drainage problems, Mr. Harold Tarbutt, 20 Huron Street.

REFERRALS FROM CITY COUNCIL

5. Definition of "Family".

6. Rental Housing Protection Act Application DE-90-001, Agostino Ammendolia, owner, for demolition of units at 266-280 King Street East.

ALDERMAN D. DRURY

7. Front Yard Parking.

8. Reconversions of Illegal Triplexes, etc. into Single Family or Duplexes, etc.

9. **IN CAMERA AGENDA.**

ZONING APPLICATIONS

ROOM 233

10:30 O'CLOCK A.M.

10. Zoning Application 90-42, J. Majstorovich, owner, for an amendment to the Official Plan and a further modification to the established "JJ" District regulations for property at 2289 Barton Street East; Nashdale Neighbourhood.

11. Zoning Application 90-54, A. J. Beattie, prospective owner, for an amendment to the Official Plan and a modification to the established "M-12" and "M-15" District regulations for property at 1280 Rymal Road East; Hannon West Neighbourhood.

12. Zoning Application 89-90, Red-D-Mix Concrete Company, Division of Standard Aggregates, owner, for a change in zoning from "JJ" District modified to "DE-2" District for property municipally known as 1301-1315 Upper Wellington Street; Crerar Neighbourhood.

10:45 O'CLOCK A.M.

13. Zoning Application 90-44, Sapte Investments Inc., owner, for a modification to the established "Hl" District regulations for property at 54 Hess Street South; Durand Neighbourhood.

    (a) Submission - B. S. Walman, President, Income Financial Corporation.

14. Zoning Application 90-62, Good Shepherd Non-Profit Homes Inc., owner, for a change and modification in zoning for properties at 31, 33 and 35 Aikman Avenue; Gibson Neighbourhood.

    (a) Submission - Mrs. Mary Pothier, 30 Sanford Avenue South.
    (b) Submission - Sam Dimitrey, 37 Aikman Avenue.

15. Zoning Application 90-60, Alfrin Enterprises Corporation, owner, for a modification to the established "C" District regulations for property at 73 Garfield Avenue South; Stipeley Neighbourhood.

11:00 O'CLOCK A.M.

16. Strathcona Neighbourhood - Locke Street Study Area Report Recommendations.

    (a) Submissions - Petitions.

DIRECTOR OF LOCAL PLANNING

17. Revision of a condition to a proposed Draft Plan of Subdivision - Eaglewood Manor; Eleanor Neighbourhood. (25T-87040)

18. Zoning Application 90-59, Slovenian Society of St. Joseph Hamilton, lessee, for a change in zoning from "C" and "L-mr-1" to "DE-3", for the rear part of property at 115 and 125 Centennial Parkway North; Kentley Neighbourhood.

    (a) Petition - Fairington Crescent residents.

19. Site Plan Control Application DA-90-66, City of Hamilton, for a new Traffic Operations Centre at 1375 Upper Ottawa Street; Trenholme Neighbourhood.

20. Other Business.

21. Adjournment.

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1990 October 18

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

SUBJECT: Crown Point East/McAnulty Neighbourhoods,
1991 to 1995 Capital Budget

RECOMMENDATION:

a) That, Crown Point East/McAnulty Neighbourhoods be the next priority actions for the purpose of implementing the Provincial P.R.I.D.E. Programme; and,

b) That, the Director of Community Development be authorized to make application to the Ministry of Municipal Affairs, Community Development Branch for matching funds under the Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) for Phase I of the Crown Point East/McAnulty Neighbourhoods.

NOTE: **Authorization to make application to the Ministry of Municipal Affairs for Phase II of the Crown Point East/McAnulty P.R.I.D.E. Programme will be requested in 1991 for 1992.**

E. Kowalski

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Crown Point East/McAnulty P.R.I.D.E., Phases I and II are included in the Capital Budget submissions for 1991 to 1995 for the Public Works Department (nee Community Development Department) at a total Municipal expenditure in each Phase of four hundred thousand dollars ($400,000.).

...../2

CITY OF HAMILTON

— RECOMMENDATION —

3.

DATE: 1990 October 17

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

SUBJECT: **Permission to allow the Royal Bank of Canada to:**
a) assign the Tunnel Easement
b) assign the Areaway Easement
c) amend the City's 1972 Abandonment Agreement
(80.3.413(b) - 4504)

RECOMMENDATION:

a) That the Corporation of the City of Hamilton Grant its consent to the Royal Bank of Canada to assign its easement in the McNab Street Truck Tunnel to **Canadian Realty Revenue Properties Ltd.** in accordance with paragraph four (4) of the 1972 June 13 Agreement (between the City of Hamilton, Robinson Securities Limited, the G. W. Robinson Company Limited, First Phase Civic Square Limited and Yale Properties Limited, subsequently assigned in May 1989 by Robinson's to the Royal Bank). This assignment is subject to the Purchaser of the former Robinson's Department Store site agreeing to assume and obligate itself to the City in respect of all obligations of the Royal Bank of Canada in the aforesaid 1972 Agreement as amended.

b) That the City of Hamilton grant consent to the Royal Bank of Canada to assign the areaway easement described in paragraph 3(b) of the 1972 Agreement to **Canadian Realty Revenue Properties Ltd.**

c) i) that paragraph 8(a) and 8(b) of the 1972 Agreement **be deleted** effective September 30, 1990.

Note: Under the original 1972 Abandonment Agreement, Robinson Securities Limited and G. W. Robinson Company Limited agreed to erect on the rear parking lot of this department store, a warehouse building. Robinson's also agreed, that if the said building were not erected by December 1, 1984, it would pay to the City of Hamilton an annual sum in lieu of taxes as if the building were erected. Said payment is currently at $29,358.08 (1990).

In 1989, Robinsons sold the property to the Royal Bank, who as of September 30, 1990 have demolished the original structure in preparation of its new development on the former Robinson's Department Store and rear parking lot.

Accordingly, the Royal Bank be refunded the sum of $7,339.54 for the period of October 1, 1990 to December 31, 1990.

In view of the proposed new development on the site, the Royal Bank is respectfully requesting that the 1972 Agreement be amended by deleting paragraph 8(a) and 8(b) as of September 30, 1990.

c) That the Mayor and City Clerk be authorized to execute the agreements to carry out the aforesaid recommendations. Regarding Items a and b above, it is recommended that the City enter into the agreement attached hereto as Schedule "A".

D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As of September 30, 1990 the City will not receive any further tax in lieu payment pertaining to the 1972 Agreement; however, the future taxes generated by the new Royal Bank development will far exceed the former Robinson's store taxes and the aforementioned tax in lieu payment.

BACKGROUND:

The subject property was known as 19-23 MacNab Street South and was owned by Robinson Securities Limited. Erected on the 12,022 square foot site was an old warehouse building used by Robinson's Department Store.

The City expropriated this site on April 27, 1971 (Instrument No. 202827 A.B.).

On September 23, 1977, the City registered an Abandonment Agreement (Instrument No. 65550 C.D.) whereby we allowed Robinson's to retain 5,397 square foot of land not required for the widening of MacNab Street. The City demolished the warehouse building prior to the above mentioned agreement.

The subject clause contained in the Abandonment Agreement states as follows:

> "8. (a) Robinsons agrees to erect a two storey building for warehouse and/or other purposes upon the said lands described in Schedule "E" hereto within twelve (12) years from the 1st day of December, 1972, each storey of such building to cover not less than 75% of the area of the lands described in Schedule "E" hereto provided that if such building is not erected, Robinsons agrees to pay an amount to the City annually equal to the municipal taxes payable if such building were erected to the lot lines of the lands in Schedule "E" hereto and completed on the 1st day of December, 1984 from and after such date until the completion of such building.

(b) The City hereby agrees to permit the use of the lands more particularly described in Schedule "E" hereto for parking, until such time as the building referred to in Subsection (a) hereof is erected."

In 1989 Robinson's sold their interest in the property to the Royal Bank of Canada.

The Royal Bank of Canada is planning to transfer title of the former Robinson's property to a subsidiary of theirs namely the **Canadian Realty Revenue Properties Ltd.** and they now wish to assign their interest in the truck tunnel easement and the areaway easement to this company.

In addition, they have demolished the old Robinson's Department Store (September 30, 1990) and they would like to delete the tax in lieu payment to the City as contained in the 1972 Agreement (8(a) and 8(b)). This request is based on the fact the old store is no longer in existence and their new bank project will be of great benefit to the City of Hamilton.

Upon reviewing all the factors pertaining to the agreement and taking into consideration the obvious benefits of the proposed bank project to the City, this department is prepared to support the above mentioned recommendation.

c.c. - Robert M. Morrow, Mayor

- Alderman Wm. McCulloch, Alderman, Ward 2

- Mr. Lou Sage, Chief Administrative Officer

- Mrs. P. Noé Johnson, City Solicitor
  Attention: Mr. D. Powers

- Mr. E. C. Matthews, Treasurer
  Attention: Mr. W. Gilchrist

THIS AGREEMENT made in triplicate as of the day of 1990.

B E T W E E N:

THE ROYAL BANK OF CANADA

(the "Assignor")

- and -

CANADIAN REALTY REVENUE PROPERTIES LTD.

(the "Assignee")

- and -

THE CORPORATION OF THE CITY OF HAMILTON

("Hamilton")

WHEREAS the Assignor is the owner in fee simple of those lands in the City of Hamilton described in Schedule "A" hereto (the "Lands"); and

WHEREAS the Lands are about to be conveyed to the Assignee together with all rights and benefits appurtenant thereto; and

WHEREAS by reason of Paragraphs 3 and 4 of the agreement dated the 13th day of June, 1972 made between Hamilton, First Phase Civic Square Limited, Yale Properties Limited, Robinson Securities Limited ("Robinson") and The G.W. Robinson Company, Limited (the "Agreement") there is appurtenant to the Lands the areaway easement described in Paragraph 3 thereof and Schedule "B" hereto (the "Areaway Easement") and a truck tunnel easement described in Paragraph 4 thereof and Schedule "C" hereto (the "Truck Tunnel Easement") collectively hereinafter referred to as the Easements; and

WHEREAS the Agreement was registered in the Land Registry Office for the Registry Division of Wentworth No. 62 on the 11th day of May, 1989 as Instrument No. 506800 CD and in the Land Registry Office for the Land Titles Division of Wentworth on the 18th day of December, 1989 as Instrument No. 270000 L.T.; and

WHEREAS the Assignor by an agreement dated May 1, 1989 and registered in the Land Registry Office for the Registry Division of Wentworth No. 62 on the 11th day of May, 1989 as Instrument No. 506800 CD and in the Land Registry Office for the Land Titles

Division of Wentworth on the 18th day of December, 1989 as Instrument No. 270000 L.T. covenanted and agreed, inter alia, to assume the obligations of Robinson under and pursuant to the Agreement; and

WHEREAS the Assignee has agreed to assume the obligations of the Assignor under the Agreement with respect to the Easements and to the other matters herein set out.

NOW THEREFORE in consideration of the sum of Five ($5.00) Dollars and other good and valuable consideration paid by each of the parties to the other (the receipt and sufficiency whereof being hereby acknowledged), the parties hereto acknowledge, covenant and agree as follows:

1. (a) The Assignor assigns and transfers to the Assignee its interest in and to the Easements including all rights of action and other rights and benefits of the Assignor or which might after this Assignment accrue to the Assignor under the Agreement.

(b) Hamilton consents to the assignment of the Easements as required by Paragraphs 3(g) and 4 of the Agreement and confirms that all payments due thereunder and all of the obligations of the Assignor to Hamilton under the Agreement as of the date hereof, have been fulfilled in their entirety and hereby doth remise and release the Assignor from all claims, demands, liabilities, suits, actions, causes of action whatsoever and howsoever arising from the Agreement.

(c) This consent does not constitute a waiver of the necessity for consent to any further assignment of the Easements by the Assignee. If the Assignee proposes to effect a further assignment, the terms of Paragraphs 3(g) and 4 of the Agreement shall apply and must be observed.

(d) By joining in this Agreement, Hamilton does not thereby acknowledge or approve of any of the terms of the Assignment between the Assignor and the Assignee.

(e) In consideration of the foregoing consent of Hamilton and of this Assignment, the Assignee hereby represents and warrants to the Assignor that at or before the effective date of this Agreement, the Assignee has become the owner in fee simple of the land described in Schedule "A" attached hereto.

2. The Assignee hereby undertakes, covenants, promises and agrees to Hamilton that:

(i) The Assignee shall perform and abide by and be bound at all times, all of the terms, covenants, conditions and obligations on the part of the Assignor contained in the Agreement and subject to all remedies in respect of breaches of covenants and conditions as if the Assignee were named in the Agreement in place or Robinson Securities Limited and without limiting the generality of the foregoing, hereby assumes and obligates itself to Hamilton in respect of all obligations, including all indemnifications to Hamilton, contained therein of the Assignor as contemplated in Paragraphs 3(g) and 4 of the Agreement; and,

(ii) The Assignee shall at all times comply with the terms, provisions and conditions of the Agreement and do all such acts, matters and things as may be requisite and necessary to maintain the Agreement in good standing at all times.

3. The Assignee hereby agrees to indemnify and save the Assignor harmless from any and all actions, suits, losses, charges, demands, liabilities and expenses incurred or suffered by the Assignor as a result of any failure or refusal by the Assignee to perform and abide by all of the terms, covenants, conditions and obligations on the part of the Assignee contained in the Agreement or any breach by the Assignee of the terms of the Agreement or of the terms hereof.

4. In consideration of the foregoing consent of Hamilton and of this assignment, the Assignee hereby represents and warrants to Hamilton that its proposed use of the Truck Tunnel Easement shall not be greater than the use thereof by the Assignor or Robinson or its tenant prior to the date of this assignment and that at or before the time of the execution and delivery of this agreement, the Assignee has become the owner of the fee simple of the Lands.

5. The Assignee covenants to Hamilton to register this Agreement on title to the Areaway Agreement described in Schedule "B" hereto and to the Truck Tunnel Easement described in Schedule "C" hereto and to the land of the Assignee described in Schedule "A" hereto within a reasonable time after the execution of this agreement.

6. Any notice in writing required or permitted to be given to

the Assignor and the Assignee hereunder shall be given by registered mail, postage prepaid, addressed to:

Royal Bank Realty Inc.
1 Place Ville Marie
P.O. Box 6001
Montreal, Quebec
H3C 3A9

**Attention: The Vice-President and
Arnold Campbell, Vice-President**

with a copy to:

Aylesworth, Thompson, Phelan, O'Brien
P.O. Box 15, Suite 3000
Royal Bank Plaza, South Tower
Toronto, Ontario
M5J 2J1

Attention: James W.V. Craig, Q.C.

(b) Any notice in writing required or permitted to be given to Hamilton shall be given by registered mail, postage prepaid, addressed to:

The City Clerk
The Corporation of the City of Hamilton
City Hall
71 Main Street West
P.O. Box 2040
Hamilton, Ontario
L8N 3T4

(c) Any such notice mailed as aforesaid shall be deemed to have been given to the recipient on the fifth business day following the date of such mailing.

(d) Any party may at any time give notice to each of the other parties of any change of address of the party giving such notice and from and after the giving of such notice the address therein specified shall be deemed to be the address of such party.

7. Each of the parties hereto covenants and agrees with the others of them to do all such acts, matters and things as may be requisite and necessary to give full force and effect to the provisions of this Agreement and to carry out and perform the same in accordance with its terms.

IN WITNESS WHEREOF the parties hereto have duly executed

this Agreement.

THE ROYAL BANK OF CANADA

Per: _____

Per: _____

We have the authority to bind the Bank

CANADIAN REALTY REVENUE PROPERTIES LTD.

Per: _____

Per: _____

We have the authority to bind the Corporation

THE CORPORATION OF THE CITY OF HAMILTON

_____
Mayor

_____
City Clerk

4.

CITY OF HAMILTON

- INFORMATION -

DATE: 1990 October 18

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. L. King, P. Eng.
Building Commissioner

Ms. P. Noé Johnson
City Solicitor

SUBJECT: 20 Huron Street - Drainage

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

At the regular meeting of the Planning and Development Committee October 2, 1990, Alderman Hinkley and Mr. H. Tarbutt of 20 Huron Street appeared before the Committee on the drainage problem experienced by Mr. Tarbutt. The Committee referred this matter to Staff for review and recommendations.

DISCUSSION:

The issue centers on the discharge of rain water from the adjacent property, located at 18 Huron Street, in the City of Hamilton. Review of the file shows that 18 Huron Street has been subject to enforcement action by the Inspection Division of the Building Department of the Property Standards By-law. An Order issued on November 20, 1989 to repair the the downspout to discharge into a storm sewer or provide a place of discharge 3 feet from the building with provision to contain the water on the property; another Order issued April 20, 1990 to repair the eavestrough or gutter and downspout which showed general deterioration. All Orders have been complied with.

The ancillary issue of roof leaders is raised as a mechanism recognized by By-law for the disposition of rain water through storm sewers. The policy adopted in the City of Hamilton is as follows. In those areas of the City that are serviced with separate sanitary and storm sewer capacity, the connection from roof leader to storm sewers has been mandatory with the enactment of By-law 88-09, passed on January 12, 1988. The Building Commissioner is responsible for administering that By-law. In those areas serviced by a Combined storm and sanitary system, the provision is not required. This distinction is based on the fact that

6.

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

****

TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee
City Clerk's Department

YOUR FILE:

FROM: Mr. K. E. Avery
City Clerk
City Clerk's Department

OUR FILE:
PHONE: 546-4587

SUBJECT: **Referred Back - Section 13 of the Seventeenth Report for 1990 of the Planning and Development Committee.**

DATE: 1990 October 11

Please be advised that Hamilton City Council at its meeting held Tuesday, 1990 October 9th **REFERRED BACK** Section 13 of the **SEVENTEENTH** Report for 1990 of the Planning and Development Committee as follows:

13. That approval be given to Rental Housing Protection Act Application DE-90-001, Agostino Ammendolia, owner, for demolition of units at 266 - 280 King Street East, on the following basis:

> "That the applicant enters into an Agreement to provide the same number of new rental units (17 units), which are similar in rent and location to the existing units. This will include 12 rental apartment units and 5 rooms for lodgers. The Agreement will be registered on title and will be satisfactory to the Director of Local Planning and the City Solicitor".

Would you please ensure that this matter is placed before the Planning and Development Committee at its next meeting.

c.c.- City Council File

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, M.C.I.P.
COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: September 24, 1990
COMM.FILE:
DEPT.FILE: P5-4-2-15

SUBJECT

Rental Housing Protection Act - Demolition Application DE-90-001 for 266-280 King Street East, Hamilton.

RECOMMENDATION

That approval be given to Rental Housing Protection Act Application DE-90-001, Agostino Ammendolia, owner, for demolition of units at 266 - 280 King Street East, on the followng basis.:

That the applicant enters into an Agreement to provide the same number of new rental units (17 units), which are similar in rent and location to the existing units. This will include 12 rental apartment units and 5 rooms for lodgers. The Agreement will be registered on title and will be satisfactory to the Director of Local Planning and the City Solicitor.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

EXPLANATORY NOTE

The application involves the demolition of two buildings with 17 rental residential units, including 12 vacant apartments and 5 rooms for lodgers, as well as ground floor commercial space. These are proposed to be demolished to permit a 12 storey commercial/residential building, with 110 condominium apartment units.

BACKGROUND

Zoning application ZA-90-06 for the property at 260-280 King Street East was received on January 5, 1990, requesting a zoning modification to permit a 12 storey mixed retail office and residential building. The zoning application was addressed in a separate report which was considered at the Planning and Development Committee meeting of September 19, 1990. The zoning application was given approval, conditional on approval under The Rental Housing Protection Act, and subject to a site plan being approved and registered on title. Demolition control was also applied, under Section 33(6) of the Planning Act. An application under The Rental Housing Protection Act was submitted on March 13, 1990. The subject property is shown on the attached key map.

The existing uses on the site include:

- 270-280 King Street East - three storey building
  - 12 apartments;
  - one of these has been vacant since September 1, 1990 and the other is expected to be vacant as of October 1, 1990, with former rents of $291 for these 2 bedroom units;
  - 10 of these have been vacant since August 1988, with former rents estimated at $275 to $400.
- 266-268 King Street East - three and a half storey building
  - rooming house with 5 rooms, shared kitchen and bathroom facilities.

Demolition of the existing buildings is requested to permit the proposed commercial/residential use.

APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT

The Act exists to help preserve the existing scarce supply of rental units, by regulating changes to rental units such as renovations, conversions, demolitions and severances. The proposed demolition of the structures at 266-280 King Street East would be subject to the Act, since:

- the building has more than four rental residential units, namely twelve apartments, as well as 5 rooms for lodgers;
- vacant units such as these are subject to the revised Rental Housing Protection Act, since the prior use was rental residential;
- the former rents are in the affordable range. Appendix "A" contains average rental rates for units of comparable size in the area. The figures indicate that the subject units had rents which were below the average for the area and municipality, which therefore contributed to the affordability of the area.

LEGISLATION

The Rental Housing Protection Act, 1989, specifies that approval of applications must be made under one of the following criteria, as specified in Section (7) of the related regulations:

7.-(1) The council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

1. Council finds that;

   i. a rental property for which an application is made for demolition is structurally unsound, or

   ii. a rental property for which an application is made for renovation or repair is structurally unsound at the time of the application and will continue to be structurally unsound if the renovation or repair proposed by the applicant is not carried out and, in the case where tenants are in occupation of the unit, that vacant possession is required to effect the renovation or repair.

2. The applicant agrees,

   i. to provide the same number of new rental units in a similar rental range and in the same area as those for which approval is given, and

   ii. to provide rental accommodation in the same area of similar quality and rent, either in the new rental units or in other existing rental property, to any tenant who is required to give up possession of a rental unit as a result of the approval.

3. In the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

ANALYSIS

The application has been evaluated on the basis of the foregoing criteria, as outlined below:

1. Physical Condition of Rental Building

   The applicant is not seeking approval under this criterion. Although the units are stated by the applicant to be in poor condition, the buildings have not been found to be structurally unsound.

2. Provision of Alternative and Replacement Accommodation

   This would be the preferred criteria for approval. Providing units to replace those which are being demolished would help ensure the protection of the rental housing stock. There are several possible approaches. The applicant could provide 17 equivalent replacement units, in either the proposed new condominium building, another new residential building elsewhere, or by means of converting floor space in an existing building from office or other uses to residential The

replacement units must be in a similar rental range, namely rents of $275 - $400, and in the same area, namely Central Hamilton, as bounded by Queen, Cannon and Wentworth Streets and the Escarpment.

The rents for the replacement units should be similar to the former rents of the existing units, namely within 10%, which is a rule of thumb used in other municipalities. The intent is to provide units of similar quality at similar rents. These rents would be registered on title for a period of several years, and would be allowed to rise gradually subject to Rent Review. An agreement would be prepared by the City Solicitor's Department to guarantee these rents. This provision is set out in Section 12 of the Rental Housing Protection Act 1989, and has been used extensively in the cities of Toronto and Ottawa.

3. Impact on the Overall Housing Supply

Under the third criteria, City Council may approve a proposal which it considers does not adversely affect the supply of affordable housing. In this case, the loss of 17 rental units would be significant. As indicated in Appendix "A", the existing low vacancy rate for Central Hamilton is 0.8%, with only 92 vacant units. There is a low supply of affordable rental units. Any demolition of existing units should only be permitted if replacement units are provided, which would mean approval under the second criteria, as discussed above.

COMMENTS

The applicant has been contacted in writing to inform him of the criteria for approval, the requirement for providing replacement units, and the likely use of legal agreements to enforce such replacement units. He feels that the provision of such units would be "financially unrealistic". He also states that the existing units are vacant and in poor condition, so that new units would have to be provided at higher rents to reflect the cost of needed renovations.

Staff note that vacant units are subject to the Rental Housing Protection Act. The existing low vacancy rate for rental accommodation require that steps be taken to maintain the existing rental housing supply. Replacement units should therefore be provided.

CONCLUSION

The provision of 17 replacement rental residential units is recommended since:

- the proposed demolition would eliminate 12 rental apartments and 5 rooms for lodgers which are affordable in nature.
- this would represent a significant adverse impact on the supply of affordable rental housing.
- vacant units are subject to the Rental Housing Protection Act.
- Council is required by the Act to deny proposals which it considers would adversely affect the supply of affordable rental housing.

- Council may approve proposals for demolition for which equivalent replacement units are provided.

An agreement should be prepared to the satisfaction of the City Solicitor to ensure the provision of the same number of residential units, similar in quality, location and rent. This would include 12 apartment units and 5 rooms for lodgers.

VG/dkp/ns

A:\RENTHOUS.PRO

APPENDIX "A"

RENTAL VACANCY RATES AND RENTS

RELEVANT TO 266-280 King Street

For buildings with six or more units, privately initiated

Area	Type	Vacancy Rate %	Vacant Units (Approx.)	Total Units	Average Rents
Central Hamilton	Two Bedroom	0.5	18	3,897	$500
	All Units	0.8	92	11,003	
City of Hamilton	Two Bedroom	0.6	87	13,767	$466
	All Units	0.8	248	31,891	
Hamilton - CMA	Two Bedroom	0.6	116	18,887	$497
	All Units	0.7	303	41,204	
Subject Property	Two Bedroom				$291
	Other Units				$275-$400

Notes:

1. Source: CMHC Rental Market Survey Hamilton CMA, April 1990, Tables 2 and 5, and October 1989, Table 14. Average rents are based on the most recent data available, which is from October 1989.

2. Downtown Hamilton for this purpose includes the area bounded by Queen Street, Cannon Street, Wentworth Street and the Escarpment, and includes the subject property.

3. Hamilton CMA includes Hamilton, Burlington and Grimsby.

- Council may approve proposals for demolition for which equivalent replacement units are provided.

An agreement should be prepared to the satisfaction of the City Solicitor to ensure the provision of the same number of residential units, similar in quality, location and rent. This would include 12 apartment units and 5 rooms for lodgers.

VG/dkp/ns

A:\RENTHOUS.PRO

APPENDIX "A"

RENTAL VACANCY RATES AND RENTS

RELEVANT TO 266-280 King Street

For buildings with six or more units, privately initiated

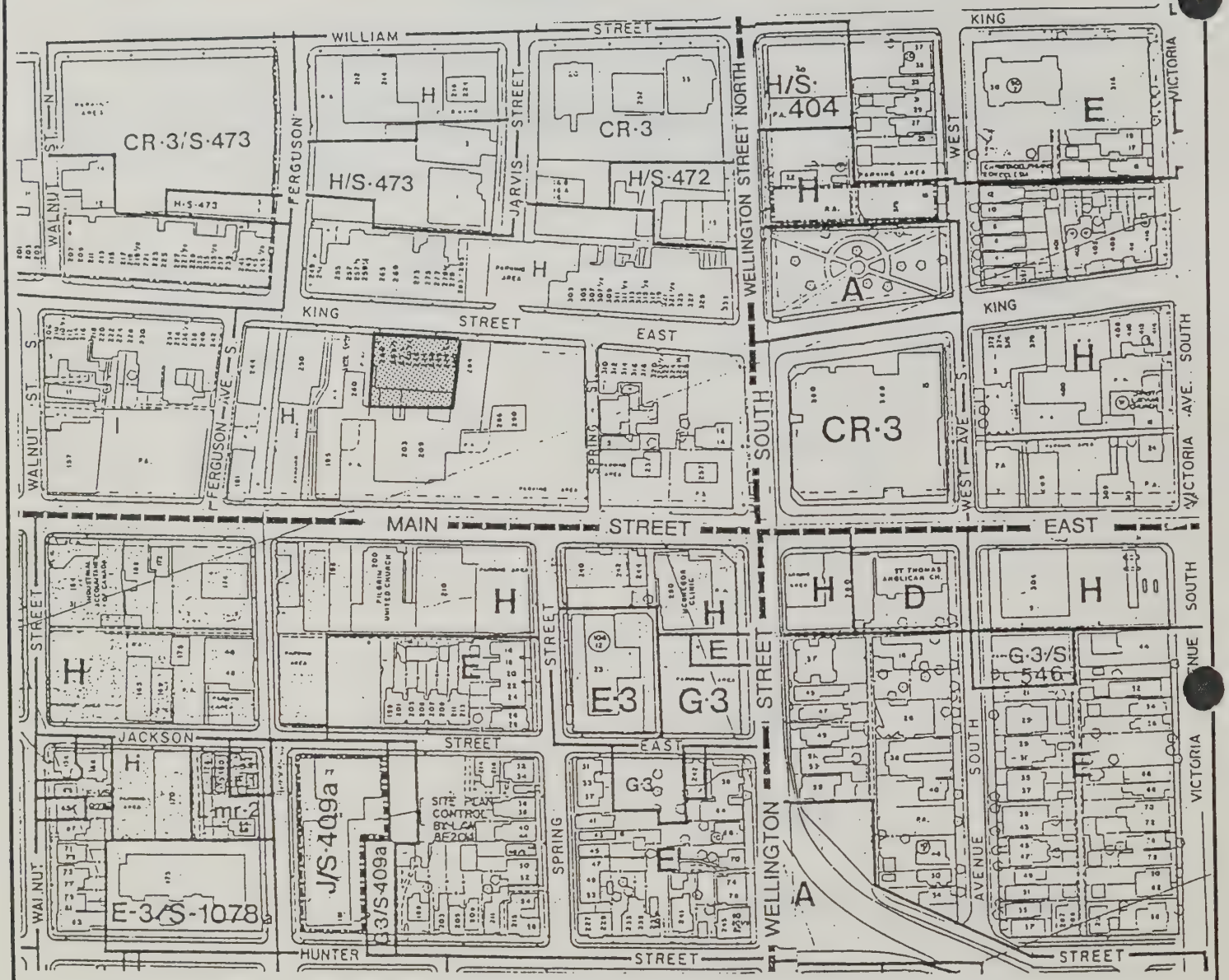
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3. Hamilton CMA includes Hamilton, Burlington and Grimsby.



NOTE: Extract from Beasley Neighbourhood Zoning map.

City of Hamilton

Key Map

Rental Housing Protection Act
RR-90-002 266-280 King Street East

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	NOT TO SCALE	RR-90-002
	Date	Drawn By
	JULY, 1990	T.A.

ZV

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS
CITY HALL HAMILTON, ONTARIO 526-2720

FILE NO. 3000

1686

1686

ZONING VERIFICATION CERTIFICATE

OR 610 - 612 KING STREET EAST, HAMILTON
STREET MUNICIPAL NO LOT NO SIDE OF STREET

BETWEEN STREET AND STREET

OWNER GOMBOS, Bela & Leda ADDRESS not known

PROPOSED USE (BE SPECIFIC) ten unit apartment

NUMBER OF DWELLING UNITS 10

NOTE: FOR BUILDING LOCATION EXAMINATION INCLUDE TWO ORIGINAL SURVEY PLANS.

EXISTING BUILDING [x] PRESENT USE ten unit apartment

PROPOSED BUILDING [ ] SURVEY ATTACHED YES [ ] NO [x]

VACANT LAND [ ] SIGNATURE

INFORMATION REQUESTED BY AND ADDRESS TO WHICH CERTIFICATE WILL BE RETURNED.

NAME Hines & Stevens

ADDRESS P. O. Box 8280, 161 King St. West
Dundas, Ontario
L9H 5G1

DATE March 16, 1987

BELOW THIS LINE FOR BUILDING DEPARTMENT USE ONLY

FROM THE RECORDS ON FILE IN THE DEPARTMENT OF BUILDINGS. ON THIS DATE, THIS PROPERTY IS LOCATED IN A H DISTRICT.

SEE SECTION 14 OF ZONING BYLAW 6593 AS AMENDED XXXXXXXXXX ------

OR COMMITTEE OF ADJUSTMENT No --------- DISTRICT MAP No. E13

THE PROPOSED USE IS PERMITTED [ ] IS NOT PERMITTED [ ] IS A LEGALLY ESTABLISHED NON CONFORMING USE [X]

THIS PROPERTY IS CONTROLLED BY A DEVELOPMENT AGREEMENT XXXXXXXXX

7.

CITY COUNCIL
HAMILTON, CANADA

71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES. (416) 545-7077 – WARD 3

MEMORANDUM

****

TO: Chairman and Members of Planning and Development

YOUR FILE:

FROM: Mr. Don Drury
Alderman, Ward 3

OUR FILE:
PHONE: (416) 546-2730

SUBJECT: Front Yard Parking

OCT 16 1990

Background

Over the past several years the loss of green space throughout the older parts of the City due to requests for front yard parking has reached alarming levels. In most instances, residents are doing this due to a shortage of parking, the request for duplexes/triplexes and partly in response to concerns over personal safety.

Currently the Traffic Department for the City of Hamilton only has control over boulevard parking agreements that involve streets under the sole jurisdiction of the City of Hamilton. Arterial streets which are the jurisdiction of the Regional Municipality of Hamilton-Wentworth are not governed by such procedures.

It is readily apparent that in some situations the creation of front yard parking on adjacent properties results in net loss of parking rather than maintaining an equilibrium. This is clearly not consistent with the intent of the originating by-law (i.e. one street space lost, one front yard parking space created).

Recommendation # 1:

That the Planning and Development Committee and the Transport and Environment Committee direct that a Report be generated from the Traffic Department which addresses the following:

1. That all requests for front yard parking must include a stipulation that the homeowner will provide a hard surface (asphalt, cement) within thirty days of the creation of the driveway.

2. That all agreements between the City of Hamilton and the Homwowner must include a provision for landscaping and/or the retention of green space immediately adjacent to the front yard parking space.

3. That no front yard parking agreements will be executed if they result in the net loss of on-street parking.

Recommendation # 2:

That the City of Hamilton request the Regional Municipality of Hamilton-Wentworth to implement a front yard parking policy on arterial roads within the City of Hamilton similar to the policy adopted by the City of Hamilton.

DD:rw

c.c. Alderman B. Hinkley

8.

CITY COUNCIL
HAMILTON, CANADA

Alderman Don Drury

71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES. (416) 545-7077 – WARD 3

Memorandum

****

OCT 9 1990

TO: Susan S. Reeder, Secretary
Planning & Development Committee

YOUR FILE:

FROM: Mr. Don Drury
Alderman, Ward 3

OUR FILE:
PHONE: (416) 526-2730

SUBJECT: **Reconversions of Illegal Triplexes, etc.**
into Single Family or Duplexes, etc.

DATE: 1990 September

A major concern facing the Planning and Development Committee, the Committee of Adjustment, the Ontario Municipal Board, and the Courts when assessing whether an illegal duplex should be made legal or not is the problem of "what to do with the existing tenants." Traditionally, orders have been given to landlords to reconvert when the existing tenants have vacated. Unfortunately, many unscrupulous landlords ignore this order and soon rent out the empty unit without reconverting.

One solution to this perplexing duplexing problem would be to have the Provincial government amend the appropriate statutes to place the economic responsibility onto the existing landlord to pay for the relocation and temporary accommodation costs of tenants who are forced to vacate due to an order to reconvert.

If a landlord realizes that the additional cost of being "caught" illegally converting a single family home into a triplex may entail several thousand dollars in relocation costs, including loss of future income and the cost of renovation and reconverting are added together this may form a strong economic disincentive to illegal conversions. It is quite evident that the costs of renovation and loss of future income are not a strong disincentive at the present time.

.../2

Therefore. I am requesting that the Planning and Development Committee endorse the following resolution:

Be it resolved:

"That the City of Hamilton request the Province of Ontario to amend the appropriate Act or Acts to make provision for the payment of monies by landlords to tenants who are forced to vacate their dwelling unit due to an order from a Municipality, the Ontario Municipal Board or Judicial Body resulting from the landlord's illegal creation of an apartment."

Be it further resolved:

"That the payments recognize the costs incurred by the tenants for relocation and temporary accommodation.

DD:jf

10.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: October 15, 1990
COMM FILE:
DEPT. FILE: ZA-90-42
DEPT FILE: Nashdale Neighbourhood

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for an Official Plan Amendment and a change in Zoning - No. 2289 Barton Street East.

RECOMMENDATIONS:

1) That amended Zoning Application 90-42, Joe Majstorovich, owner requesting an Official Plan Amendment and a further modification in zoning to the "JJ" (Restricted Light Industrial) District regulations, to legalize the existing horseshoe pitching club, retail sales area for a Siding Company (Siding Master), sporting goods store and to permit an entertainment area (pinball machines, indoor golf range, bocce courts, pool tables) in conjunction with the existing restaurant, for the property located at No. 2289 Barton Street East, as shown on the attached map marked as APPENDIX "A", be DENIED, in part for the following reasons:

   i) It is contrary to the Official Plan;

   ii) The entertainment area in conjunction with the restaurant and the sporting goods store are not considered to be uses that complement or are subsidiary to the primary function of the area which is Industrial;

   iii) Approval of the application would encourage similar applications which, if approved, would undermine the intent of the Official Plan and Zoning By-law.

2) That approval be given to a further amended Zoning Application 90-42, Joe Majstorovich, owner, requesting a further modification in zoning to the "JJ" (Restricted Light Industrial) District regulations, to legalize the existing retail sales component of the Siding Company (Siding Master) and the horseshoe pitching club, for the property located at No. 2289 Barton Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:

   i) That the "JJ" (Restricted Light Industrial) District regulations, as contained in Section 16A of Zoning By-law No. 6593, as amended by By-laws 76-68, 80-84 and 89-48, applicable to the subject lands be further modified to include the following variances as special requirements:

      a) That By-law 89-48, be amended by adding the following new subsections:

1.b.) Notwithstanding Section 16A(1) of By-law No. 6593, the following Public Use shall be permitted within the building existing at the date of the passing of the by-law provided the gross floor area does not exceed 372 m^2:

Use	S.I.C. Identification
Other Sports and Recreational Clubs (restricted to a Horse-Shoe Pitching Club)	9659

1.c) Notwithstanding Section 16A(1) of By-law No. 6593, the following Industrial Use shall be permitted within the building existing at the date of the passing of the by-law provided that the retail sales area shall not exceed 50% of the gross floor area:

Use	S.I.C Identification
Siding Work	4232

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-449C, and that the subject lands on Zoning District Map E-103 be notated S-449C;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-103 for presentation to City Council;

iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of this by-law is to provide for a further modification to the "JJ" (Restricted Light Industrial) District regulations, for the property located at No. 2289 Barton Street East, as shown on the attached map marked as APPENDIX "A",

The effect of the by-law is to permit the following additional uses within the existing building:

- a siding company having a maximum retail sales area of 50% of the gross floor area; and,
- a horseshoe pitching club provided the gross floor area does not exceed 372 m^2.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

APPLICANT:

Joe Majstorovich, owner.

BACKGROUND:

- Order To Comply

  On March 7, 1990, the Building Department issued an "Order To Comply" against the property because the use of the building for retail sales of sporting goods and the golf range with a restaurant are not permitted uses in the "JJ" District regulations.

  A subsequent inspection by the Building Department indicated that the Horseshoe Pitching Club and the Retail Sales for the Siding Company were not permitted uses either.

- Proposal

  The applicant has indicated that the golf centre has gone bankrupt and in its place he wishes to establish an entertainment area in conjunction with the existing restaurant. The entertainment area would contain an indoor driving range, boccie courts, pool tables, pinball machines and jukebox. The floor area would be approximately 2,000 sq. ft..

  The applicant indicated that the Club and the Siding Master have been in the building for at least 10 years. It should also be noted that the Ministry of the Environment office has moved out.

  In addition to the uses proposed, there is a motorcycle clinic and auto service centre within the existing building and a used car lot on the eastern portion of the site.

- By-law 89-48

The Planning and Development Committee, at its meeting of October 12, 1988, approved a further modification to the "JJ" District regulations to permit additional commercial uses within the existing building. The applicant and the Planning Department staff formulated a list of commercial uses that satisfied both parties. The uses included:

1. Second Hand Merchandise Store;
2. Tire, Battery, Parts and Accessories Stores;
3. Muffler, Replacement Shops;
4. Other Motor Vehicle Repair Shops;
5. Automobile and Truck Rental and Leasing Services;
6. Janitorial Services;
7. Computer Services;
8. Household Furniture Stores (with appliances and furnishing);
9. Household Furniture Stores (without appliances and furnishings);
10. Appliance, Television, Radio and Stereo Stores;
11. Floor Covering Stores;
12. Drapery Stores;
13. Industrial Machinery and Equipment Rental and Leasing;
14. Office and Store Machinery, Equipment and Supplies, Wholesale.

Further, the retail sales component of the proposed uses was restricted to a maximum of 50% of the floor area.

City Council passed By-law 89-48 on January 31, 1989.

- By-law 80-84

At its meeting held on March 11, 1980, City Council passed By-law 80-84 to amend By-law 76-68, which provides for a further modification to the "JJ" (Restricted Light and Limited Heavy Industry) District regulations applied to the subject lands to permit the following additional uses:

i) a rifle range;

ii) an archery range; and,

iii) a theatre with accessory storage and office space.

- By-law 76-68

  At its meeting held on March 9, 1976, City Council passed By-law 76-68 which implemented a modification to the "JJ" (Restricted Light and Limited Heavy Industry) District regulations applicable to the subject lands to permit the following additional uses:

  i) a public hall;

  ii) the gross floor area of the public hall shall not exceed 30% of the gross floor area of the building on the land at the date of passing of the by-law.

LOT SIZE AND AREA:

- 91.46 m (330.9 ft.) of lot frontage (Barton Street East);
- 140.08 m (459.57 ft.) of lot depth;
- 12,811.72 m^2 (137,908.67 sq. ft.) of lot area.

LAND USE AND ZONING:

Subject Lands	Existing Land Use	Existing Zoning
	commercial/industrial building	"JJ" (Restricted Light Industrial) District
Surrounding Lands		
to the north	industrial uses	"JJ" (Restricted Light Industrial) District
to the south	East Lawn Cemetery and townhouses	"AA" (Agricultural) District and "DE" (Low Density Multiple Dwellings) District
to the east	transport terminal	"JJ" (Restricted Light Industrial) District
to the west	U-haul dealer	"JJ" (Restricted Light Industrial) District

OFFICIAL PLAN:

The subject lands are designated "INDUSTRIAL" on Schedule "A" and are within Special Policy Area 11 on Schedule "B". The following policies apply, among others:

"A.2.3.1 The primary uses permitted in the areas designated as Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:

i) Uses that are incidental to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment;

ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc., which are intended to directly serve the Industries and their personnel;

iii) Uses which have characteristics or functional requirements similar to Industries; and,

iv) All uses which, in the opinion of Council, complement and do not interfere with, or detract from the primary function of the area.

A.2.3.14 The primary uses permitted in this category may include, but not limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants.

A.2.3.15 In addition to the ancillary uses that may be permitted in INDUSTRIAL areas as set out in Policy 2.3.1, clubs or establishments catering to leisure activities may be permitted in the LIGHT INDUSTRIAL category."

Based on the Policy A.2.3.1, the proposal, as submitted does not comply with the intent of the Official Plan in that the commercial uses cannot be considered as subsidiary functions of the industrial area nor are they intended to serve the industrial area. Accordingly, an Official Plan Amendment to create a Special Policy Area would be required.

However, if an amended application is approved for the Horseshoe Pitching Club and the Siding Company, an Official Plan Amendment would not be required since those uses comply with the intent of the Plan based on Policies A.2.3.1 iv) and A.2.3.15.

NEIGHBOURHOOD PLAN:

There is no Neighbourhood Plan for the Nashdale Neighbourhood.

RESULTS OF CIRCULARIZATION:

- The following Department and Agency have no comments or objections:

  - Traffic Department; and,
  - Hamilton Region Conservation Authority.

- The Building Department has advised that:

  "1. An "Order to Comply" has been issued for use of retail sales of sports goods and golf range as uses not permitted (see attached).

  2. In addition to the above-noted uses, the following uses as indicated are not permitted:

     - The horseshoe pitching club is considered a private club under public uses.

     - The Siding Master is considered a commercial use of a retail sales office.

  3. In addition to the uses indicated in this application, there is also an office for the Ontario Ministry of Environment Air Quality Assessment Unit.

  4. The specific types of uses within the building are subject to the parking and loading requirements. Additional information would be required to determine compliance."

- The Hamilton-Wentworth Engineering Department has advised that:

  "There are public watermains and separate storm and sanitary sewers available to service the subject lands.

  In the absence of any details shown, we advise that any works within the Barton Street road allowance as widened, must conform to the Region's Road Use By-law.

  The City of Hamilton Traffic Department is to comment on access design considerations."

COMMENTS:

1) The proposal, as submitted, does not comply within the intent of the Official Plan. An Official Plan Amendment to create a Special Policy Area to permit limited commercial uses would be required. However, an amendment would not be required to permit only the siding company and horseshoe pitching club.

2) There is no Neighbourhood Plan for the Nashdale Neighbourhood.

3) The proposal, as submitted cannot be supported for the following reasons:

a) the subject lands were rezoned in 1989 to expand the list of commercial uses permitted on the site. The commercial uses were limited to auto related uses and household furnishing warehouses uses etc. which complement or operate as subsidiary uses to the industrial area. Furthermore, the uses were restricted to a maximum 50% of retail sales. The entertainment area in conjunction with the existing restaurant, and the sporting goods store are not considered to be uses that complement or are subsidiary to the primary function of the area which is Industrial;

b) approval of the application would encourage similar applications which if approved, would undermine the intent of the Official Plan and Zoning By-law; and,

c) it does not comply with the intent of the Official Plan.

4) Approval of an amended application to permit a siding and window sales company having a maximum of 50% of the gross floor area for retail sales, and a 372 m^2 (4,000 sq.ft.) horseshoe pitching club within the existing building can be supported for the following reasons:

a) the uses are no less feasible than other uses permitted under the "JJ" District regulations, as amended. Examples include furniture stores, floor covering store, rifle and archery ranges;

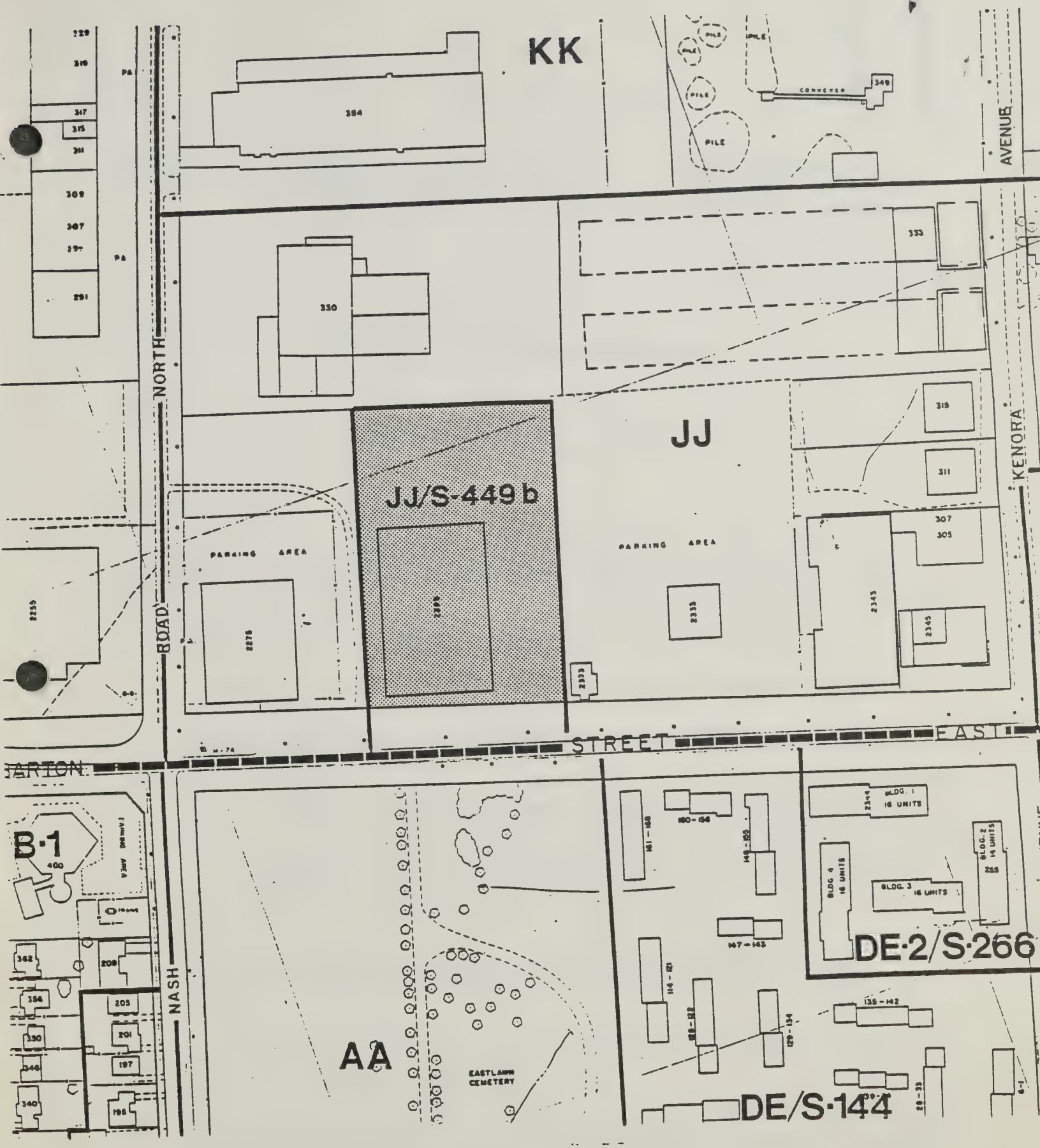
b) the uses comply with the intent of the Official Plan in that they complement the industrial area.

5) It should be noted that the applicant must provide parking in accordance with the Zoning By-law requirements.

CONCLUSION:

Based on the foregoing, the proposal, as amended can be supported.

JH-E/dkp/ma
A:\ZA9042



Legend

Site of the Application

ZA 90-42

APPENDIX A

11.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: October 4, 1990
COMM. FILE:
DEPT. FILE: ZA-90-54
Hannon
West
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for an Official Plan Amendment and modifications in zoning - No. 1280 Rymal Road East.

RECOMMENDATION

That Zoning Application 90-54, Allan John Beattie, owner, requesting an Official Plan Amendment, a modification to the established "M-12" (Prestige Industrial) District regulations for Block "1", and a modification to the established "M-15" (Prestige Industrial) District regulations for Block "2", to permit a hardware store and a garden centre, for property located at No. 1280 Rymal Road East, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

i) it conflicts with the intent of the Official Plan which designates the lands as "INDUSTRIAL";

ii) it conflicts with the intent of the approved Mountain Industrial Area Plan;

iii) the "M-12" is intended to function as a wholesale district with limited commercial uses. The "M-15" District is primarily an industrial district with further restrictions on commercial uses. The requested commercial use of the entire property is contrary to the applicable "M-12" and "M-15" District provisions and would be more suitably located in an "M-11" (Prestige Industrial) District or an "HH" (Restricted Community Shopping and Commercial) District, both of which may be found in other areas of Rymal Road (chiefly at major intersections);

iv) there is a limited supply of "M-15" zoned land in the Mountain Industrial Area. Approval of this application for commercial uses would reduce the supply of land available for industrial purposes;

v) approval of the application may encourage other similar applications which, if approved, would undermine the industrial designation of the area; and,

vi) the proposal is premature pending the completion of the study of the "M" (Prestige Industrial) District regulations currently being undertaken by the Planning and Development Department.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The applicant is proposing to build a hardware store and a garden centre on the subject lands.

APPLICANT

Allan John Beattie, owner.

LOT SIZE AND AREA

The subject property is irregular in shape and has:

- 86.6 m (284.04 feet) of lot frontage on Rymal Road East;
- 158.5 m (520 feet) of lot depth; and,
- 1.01 ha (2.5 acres) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	scrap yard	"M-12" (Prestige Industrial) District and "M-15" (Prestige Industrial) District
Surrounding Lands		
to the north	vacant	"M-12" (Prestige Industrial) District
to the south	vacant	"M-15" (Prestige Industrial) District
to the west	Dufferin Construction yard	"M-12" (Prestige Industrial) District and "M-15" (Prestige Industrial) District

to the east	CN rail line	not applicable

OFFICIAL PLAN

The subject lands are designated "INDUSTRIAL" on Schedule "A" - Land Use Concept. The following policies should be noted:

"A.2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:

i) Uses that are incidental to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment;

ii) Business enterprises such as, but not limited to, banks, restaurants, garages material suppliers, etc., which are intended to directly serve the Industries and their personnel;

iii) All uses which, in the opinion of Council, complement and do not interfere with, or detract from, the primary function of the area."

The subject lands are also within Special Policy Area 11, for which the following policies should be noted:

"A.2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule "B" as Special Policy Area 11. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community-like precinct such as the East Mountain Industrial Park.

A.2.3.14 The primary uses permitted in this category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants."

The requested hardware store and garden centre could only be permitted within the Industrial designation of the Official Plan if they i) are incidental to industrial operations; or ii) business enterprises intended to directly serve the industries and their personnel. These uses are not consistent with either of these two provisions and therefore are not permitted under the "INDUSTRIAL" designation of the Official Plan. Accordingly, should the application be approved, an Official Plan Amendment would be required in order to establish a Special Policy Area to permit the requested uses on the subject lands.

NEIGHBOURHOOD PLAN

The lands are designated "RESTRICTED INDUSTRIAL-COMMERCIAL" (Block "1") and "RESTRICTED INDUSTRIAL" (Block "2") on the approved Mountain Industrial Area Plan. Approval of the application would require a redesignation to "RESTRICTED COMMERCIAL" for Blocks "1" and "2".

COMMENTS RECEIVED

o The following agencies have no comment or objection:

- Traffic Department;
- Hamilton Region Conservation Authority;
- Trans Canada Pipeline;
- Township of Glanbrook; and,
- Hamilton-Wentworth Economic Development Department.

o The Real Estate Department has advised that:

"We wish to advise that we cannot support this application. There have been too many changes to the M-12 districts which has led to over commercialization Rymal Road and Upper Ottawa Street."

o The Building Department has advised that:

"1. A garden centre is not permitted in any M zone.

2. A hardware store is not permitted in the M-12 or M-15 zone.

3. I would suggest the property be made all one zone to avoid further problems."

o The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

In the absence of any plans or details shown, we advise that any works within the Rymal Road road allowance, as widened, must conform to the Region of Hamilton-Wentworth Road Use By-law.

The Traffic Department is to comment on access. As the applicant may be aware, Rymal Road, west of the subject lands has previously been widened to accommodate left turning vehicles, etc. A portion of the subject lands lies within the pavement taper area. We, therefore, advise that as a condition of development approval that Rymal Road be widened, similar to the west and that improvements to the grade railway crossing, as requested be done.

All costs associated with these roadworks will be at the expense of the applicant/owner and the details will be resolved at the site plan stage. The applicant may wish to contact our staff to discuss these matters. Access to these lands may be restricted to the west property line."

COMMENTS

1. The proposal conflicts with the intent of the Official Plan. Approval of the application would require an Official Plan Amendment in order to establish a Special Policy Area to permit the requested uses on the subject lands.

2. The proposal conflicts with the intent of the approved Mountain Industrial Area Plan. Approval of the application would require a redesignation from "RESTRICTED INDUSTRIAL-COMMERCIAL" (Block "1") and from "RESTRICTED INDUSTRIAL" (Block "2") to "RESTRICTED COMMERCIAL" for Blocks "1" and "2".

3. The proposal cannot be supported for the following reasons:

   i) it conflicts with the intent of the Official Plan;

   ii) it conflicts with the intent of the approved Mountain Industrial Area Plan;

   iii) the "M-12" is intended to function as a wholesale district with limited commercial uses. The "M-15" District is primarily an industrial district with further restrictions on commercial uses. The requested commercial use of the entire property is contrary to the applicable "M-12" and "M-15" District provisions and would be more suitably located in an "M-11" (Prestige Industrial) District or an "HH" (Restricted Community Shopping and Commercial) District, both of which may be found in other areas of Rymal Road (chiefly at major intersections);

   iv) there is a limited supply of "M-15" zoned land in the Mountain Industrial Area. Approval of this application for commercial uses would reduce the supply of land available for industrial purposes;

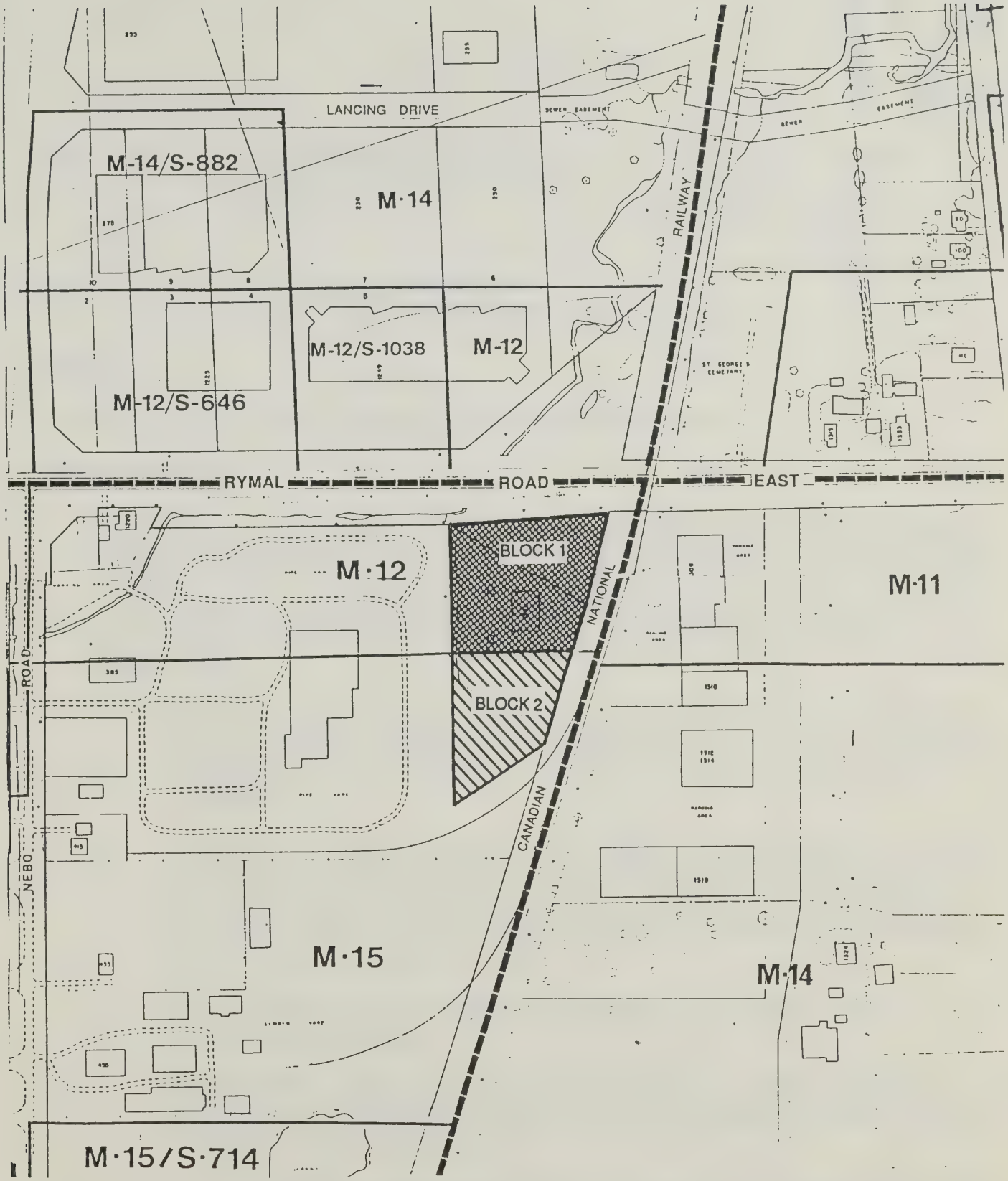
   v) approval of the application may encourage other similar applications which, if approved, would undermine the industrial designation of the area; and,

   vi) the proposal is premature pending the completion of the study of the "M" (Prestige Industrial) District regulations currently being undertaken by the Planning and Development Department.

CONCLUSION

Based on the foregoing, the application cannot be supported.

MLT/ma
WPZA9054



Legend

BLOCK 1

BLOCK 2

Site of the Application

ZA90-54

APPENDIX A

12.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: October 15, 1990
COMM FILE:
DEPT FILE: ZA-89-90
Crerar
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change in zoning - Nos. 1301 to 1315 Upper Wellington Street.

RECOMMENDATION:

1. That approval be given to Zoning Application 89-90, Red-D-Mix Concrete Company, Division of Standard Aggregates, owner, for a change in zoning from "JJ" (Restricted Light Industrial) District modified, to "DE-2" - 'H' (Multiple Dwellings - Holding) District modified, to permit a 5-storey, 110 unit apartment building and a 4-storey, 54 unit apartment building, on property located at Nos. 1301 to 1315 Upper Wellington Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

   i) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District which will prohibit the development of the subject lands until municipal sewers are available.

   Removal of the holding restriction shall be conditional upon the availability of all such municipal sewers serving the subject lands as the City deems necessary and passage of an amending By-law. City Council may remove the "H" symbol, and thereby give effect to the "DE-2" District provisions as stipulated in this By-law by enactment of an amending By-law once municipal sewers are available.

   ii) That the subject lands be rezoned from "JJ" (Restricted Light Industrial) District to "DE-2" (Multiple Dwellings) District;

   iii) That the "DE-2" (Multiple Dwellings) District regulations as contained in Section 10B of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special requirements:

      1. That notwithstanding Section 10B(1)(vi), a maximum of 164 dwelling units shall be permitted;

      2. That notwithstanding Section 10B(2)(ii), a maximum building height of five storeys shall be permitted;

3. That notwithstanding Section 10B(6), a minimum landscaped area of 48% of the lot area shall be provided and maintained;

4. That a minimum 3.0 m wide landscaped strip shall be provided and maintained along the entire southerly and easterly property lines;

5. That a visual barrier not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire southerly and easterly property lines;

6. That a minimum of two vehicular accesses to the subject lands shall be provided, at least one of which shall be provided from the future city road allowance adjacent to the northerly property line.

iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-18B be notated S- ;

v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18B for presentation to City Council;

vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

2. That prior to the passing of the amending by-law by City Council, the applicant shall:

i) enter into a service agreement with both the City and Hamilton-Wentworth Region; and,

ii) acquire the adjoining parcel of land to the north known as Block "141" on Draft Plan of Subdivision "Rose Gardens".

EXPLANATORY NOTE

The amending By-law establishes the holding provisions of Section 35(1) of the Planning Act, by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until the availability of all such municipal sewers as the City deems necessary to service the proposed development. Removal of the holding restriction shall be conditional upon the availability of municipal sewers, and the passage of an amending By-law to remove the 'H' symbol, thereby giving effect to the "DE-2" District provisions.

The purpose of this By-law is to provide for a change in zoning from "JJ" (Restricted Light Industrial) District modified to "DE-2" (Multiple Dwellings) District modified, for property located at Nos. 1301 to 1315 Upper Wellington Street, as shown on the attached map.

The effect of the By-law is to permit a 5-storey, 110 unit apartment building and a 4-storey, 54 unit apartment building on the subject lands.

In addition, the By-law provides for the following variances as special requirements:

- to restrict the maximum height of building(s) to five storeys, whereas 8 storeys is permitted;
- to restrict the number of dwelling units to a maximum of 164 units;
- to require a minimum landscaped area of 48% of the total lot area to be provided and maintained, whereas a minimum of 25% is required;
- to require a minimum 3.0 m wide landscaped strip to be provided and maintained along the entire southerly and easterly property lines;
- to require a visual barrier not less that 1.2 m in height and not more than 2.0 m in height to be provided and maintained along the entire southerly and easterly property lines; and,
- to require a minimum of two vehicular accesses, at least one of which shall be provided from the future city road allowance adjacent to the northerly lot line (Sirente Drive).

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposal

  It is the applicant's intention to redevelop the subject lands for a 5-storey, 110 unit apartment building and a 4-storey, 54 unit apartment building. A total of 205 parking spaces are to be provided of which 86 parking spaces will be below grade and 119 parking spaces will be on the surface (see APPENDIX "B").

- By-law 80-184

  By-law 80-184 was passed by City Council on June 24, 1980. The By-law provided clarification of a previous by-law (80-159) by restricting all industrial uses except the present industrial use and any expansion thereof.

- By-law 80-159

  By-law 80-159 was passed by City Council on May 13, 1980. The purpose of the by-law was to provide for a modification to the established "JJ" (Restricted Light Industrial) District regulations by restricting the use of the land, buildings or structures for any purpose other than the existing industrial use at the date of passing of the by-law, and any expansion thereof was prohibited.

APPLICANT

Red-D-Mix Concrete Company, Division of Standard Aggregates, owner.

LOT SIZE AND AREA

- 121.92 m (400.0 ft.) of lot frontage on Upper Wellington Street;
- 166.1 m (545.0 ft.) of lot depth; and
- 2.028 ha (5.0 ac.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	Vacant (former concrete mixing plant)	"JJ" (Restricted Light Industrial) District modified
Surrounding Lands		
To the north	Vacant	"RT-20" (Townhouse - Maisonette) District, "RT-30" (Street Townhouse) District and

		"R-4" (Small Lot Single - Family Detached) District
to the south	Single-family dwellings	"AA" (Agricultural) District
to the east	Vacant	"A" (Conservation, Open Space, Park and Recreation District
to the west	Vacant	"AA" (Agricultural) District

OFFICIAL PLAN

Designated in part "RESIDENTIAL" and in part "OPEN SPACE" on Schedule "A" Land Use Concept Plan of the Official Plan and subject to, among others, the following policies:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.18 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

A.2.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.

A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,

ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking, etc.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value".

The proposal complies with the RESIDENTIAL designation.

As noted above, the eastern portion of the subject lands is designated OPEN SPACE. According to policy A.2.4.1, residential uses are not permitted within OPEN SPACE areas. However, the following policy regarding minor adjustments to the boundaries between land use designations can be applied:

"D.8.2 The boundaries between the classes of land use designated on Schedule "A" by patterned areas, as well as any other boundaries indicated on Schedules "B", "B-1", "B-2", "C", "F", "G" and "H" are only intended to be general and not to define the exact limits of any land use or policy. It is intended, therefore, that minor adjustments may be made in respect of these boundaries in the Zoning By-law without the necessity of further amending this Official Plan, so long as such By-laws conform to the general intent and purpose of this Plan."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "LOW DENSITY APARTMENTS" on the approved Crerar Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The Building Department has advised that:

  "1. All yard requirements shall conform to Section 10B(3) of Zoning By-law 6593.

  2. This proposal requires one 3.7 m x 9.0 m x 4.3 m and two 3.7 m x 18.0 m x 4.3 m loading spaces."

- The Traffic Department has advised that:

  "The application to permit the development of a multiple dwelling residential complex is satisfactory.

As stated in the application, the preliminary plan is for discussion purposes only. However, we suggest that the following modifications be included in the formal site plan application:

1. The provision of an additional access to the future collector street.

2. The designation of loading spaces and adequate manoeuvring areas to provide access for semi-trailers to the required loading areas.

3. The designation of visitor parking."

- The Hamilton-Wentworth Engineering Department has advised that:

"...there are public watermains available to service these lands. Storm and sanitary sewers are not expected to be constructed for three or four years.

The designated road allowance width of Upper Wellington Street is 30.48 m. In accordance with this designation we recommend that as a condition of development approval that sufficient lands be dedicated to the Region to establish the property line 15.21 m from the centreline of the original Upper Wellington Street road allowance.

Additional lands for the construction and grade separation of the Freeway at Upper Wellington are required and shown shaded green on the attached plan. These lands shown in green are to be purchased by the Region.

According to our records, it is unclear as to the status of any previous road widenings. It appears that a former 3.048 m strip of land adjacent to part of the subject lands was deeded to the Township of Barton. However, we do not have any indication this is now part of the road allowance. In any event these matters must be resolved by the applicant/owner and the street line must be established 15.24 m from the centreline of the original Upper Wellington Street road allowance.

According to our records, Sirente Drive will be established immediately adjacent to the north limit of the subject lands. Therefore as a condition of development approval we recommend that:

- A 12 metre x 12 metre daylight triangle be dedicated to the Region taken from the widened limits of Sirente Drive and Upper Wellington Street.

- That the applicant/owner acquire block 141 on draft plan of Rose Garden plan of subdivision (copy attached). The block number may change based on the registered plan.

- That the applicant/owner pay for all outstanding servicing costs for sewer and watermains to the City of Hamilton and the Region and that the 0.30 m reserve adjacent to Sirente Drive be lifted.

In order to ensure the recovery of servicing costs on the future midblock collector (Sirente Drive) the applicant/owner will have to enter into a service agreement with both the City and Region.

In light of the legal issues raised in conjunction with Upper Wentworth Street/Fielding Drive, we recommend that service agreements with both the City and Region be signed prior to the approval of the re-zoning unless the legal department establishes that the service matters can be dealt with at the site plan stage.

For information with respect to the site plan stage:

All setbacks are to be taken from the widened limits of Upper Wellington Street and Sirente Drive. In the absence of any details shown, we advise that any works within the adjacent road allowances must conform to the respective streets By-laws.

Comments from the City of Hamilton Traffic Department on access design should be considered. As the applicant is also aware, there is a vertical crest curve on Upper Wellington Street adjacent to the subject lands. In order to maximize driver sight distances, the access to the subject lands must be shifted to the south property line thereby locating the access close to the top of the vertical crest curve on Upper Wellington Street. We also recommend that access to these lands also be provided on the midblock collector street and as a condition of approval, the midblock collector street should be established and constructed.

For the information of the applicant road grades on Upper Wellington Street will change as result of the Freeway construction and as a result of the vertical crest curve through this section. Details of the grade changes etc. will be finalized at such time as site plans are submitted for our review and approval. At such time as Upper Wellington is reconstructed and aligned, additional access points to Upper Wellington Street from the subject lands could be considered dependant on the sight distances provided".

- The Freeway Corridor Project Office has advised that:

"As this development will not adversely affect the implementation of the east-west corridor, staff have no objection to its approval. However, the site grading should be revised to reflect the revised future elevation of the Upper Wellington Street grade separation before site plan approval is granted."

- The Local Architectural Conservation Advisory Committee Staff, the Hamilton Region Conservation Authority, the Hamilton Wentworth Regional Police Department and the Ministry of the Environment have no comments or objections.

COMMENTS

1. The proposal would not conflict with the intent of the Official Plan.

2. The proposal complies with the approved Crerar Neighbourhood Plan.

3. The application has merit and can be supported for the following reasons:

   - It complies with the intent of the Official Plan and implements the approved Crerar Neighbourhood Plan;
   - It would be compatible with existing and proposed development in this area comprised of townhouse and small-lot single family development to the north, single-family development to the south, single-family and parkland to the east, and attached housing and medium density apartment development to the west;
   - It is situated on the periphery of the Crerar Neighbourhood at the future intersection of Upper Wellington Street and neighbourhood collector road(s) and to the south of the proposed mountain freeway where higher density development is encouraged to be located;
   - It is situated on a public transit route;
   - It will be within close proximity to future shopping facilities at the intersection of Upper Wellington/Limeridge Road East and Upper Wellington/Stone Church Road East;
   - It will provide for new apartment development (rental or condominium) on the mountain which is in short supply.

4. The applicant has submitted a preliminary site plan for the proposed development which has been reviewed by the Building Department. On the basis of comments received, the development appears to satisfy by-law requirements, save and except the required loading spaces (one small and two large spaces). In this regard, the applicant has advised that he intends to satisfy all By-law requirements.

5. The "DE-2" (Multiple Dwellings) District would be the appropriate zoning district for the proposed use. However, since municipal sewers are not available to serve the development at this time, it would be appropriate that the lands be subject to Section 35(1) of the Planning Act. In this regard, Council may, in a By-Law, use the holding symbol 'H' in conjunction with any zoning district to specify the use to which lands, buildings, or structures may be put at such time in the future as the holding symbol is removed by amendment to the By-law. The purpose of the holding symbol is to require that full municipal sewers are available to service the site.

6. In addition, the following special requirements should be considered:

   o Density & Height

   In order to limit the density of development it is suggested that the amending By-law restrict the number of dwelling units to a maximum of 164 units, and that the building height be capped at a maximum of five storeys, as proposed. Comparatively, a maximum building height of 8 storeys would be permitted under the "DE-2" District regulations.

   o Landscaping/Buffering

   The applicant has indicated on his preliminary site plan that 48% of the lot is to be landscaped, whereas a minimum of 25% is required. Accordingly, it would be appropriate to include the landscaping as a special requirement. Further, in order to provide privacy and buffering for the adjoining residentially zoned properties to the south and the park to the east, a minimum 3.0 m wide landscaped planting strip and a 1.2 m to 2.0 m high visual barrier should be provided and maintained along and within these property lines.

7. Given the concerns of the Engineering and Traffic Departments regarding sight distances on Upper Wellington Street, it is appropriate to require a secondary vehicular access from the mid block collector (future Sirente Drive) as well as Upper Wellington.

   With respect to the adjoining draft plan of subdivision (Rose Gardens), Block "141" was identified for future development with adjoining lands (i.e. subject lands). Accordingly, prior to the passing of an amending By-law the applicant should be required to acquire Block "141" and consolidate it with the proposed development.

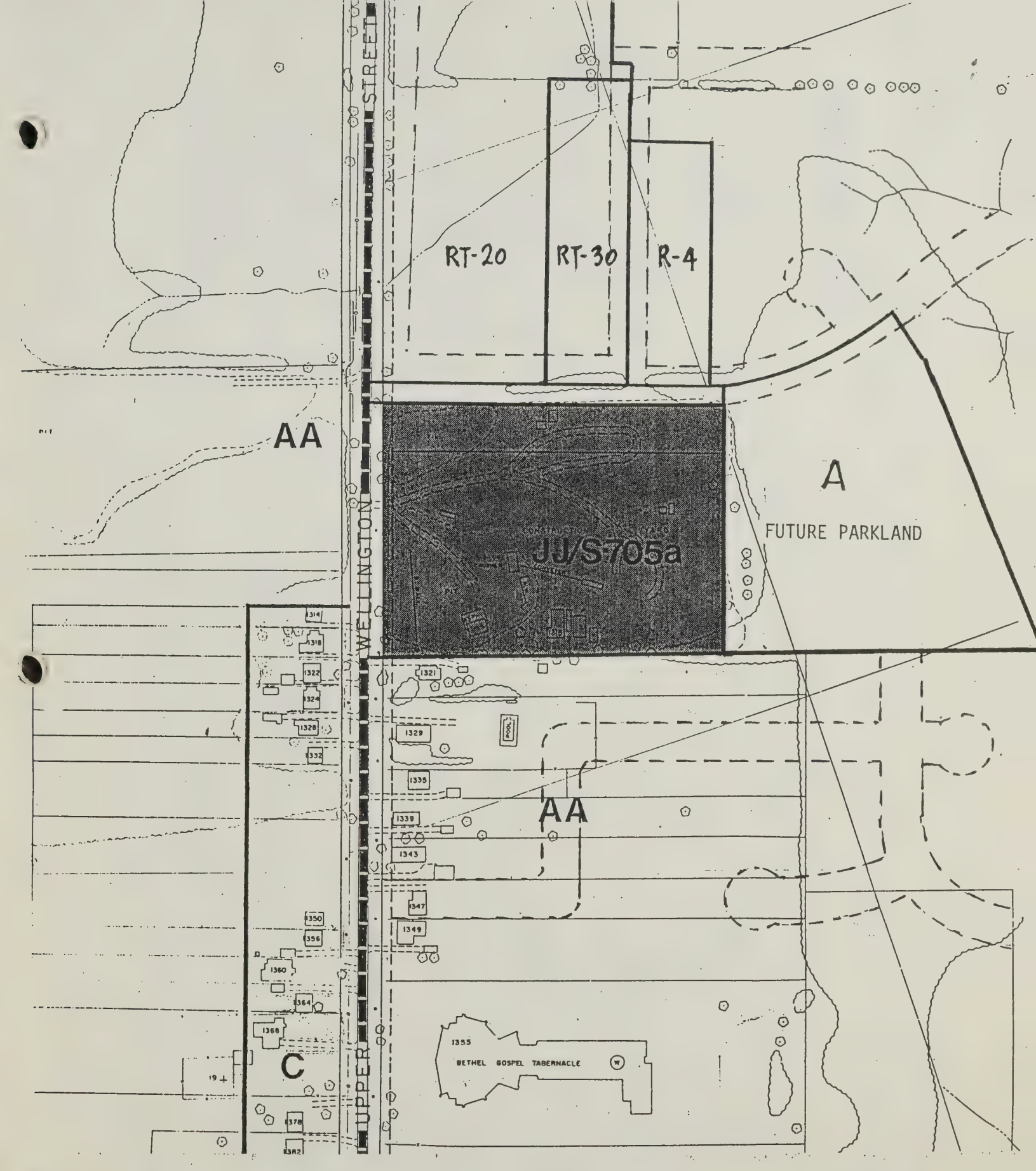
   In addition, the applicant should also enter into a Service Agreement with the City and Region, as recommended by the Engineering Department.

8. The "DE-2" (Multiple Dwellings) District is subject to Site Plan Control By-law No. 79-275 as amended by By-law 87-223. In this regard, matters related to landscaping, fencing, grading, road widening, parking, loading, access, etc., can be further reviewed at the site plan control stage of development.

CONCLUSION

On the basis of the foregoing, the application can be supported.

JHE/GAW/ns/ma
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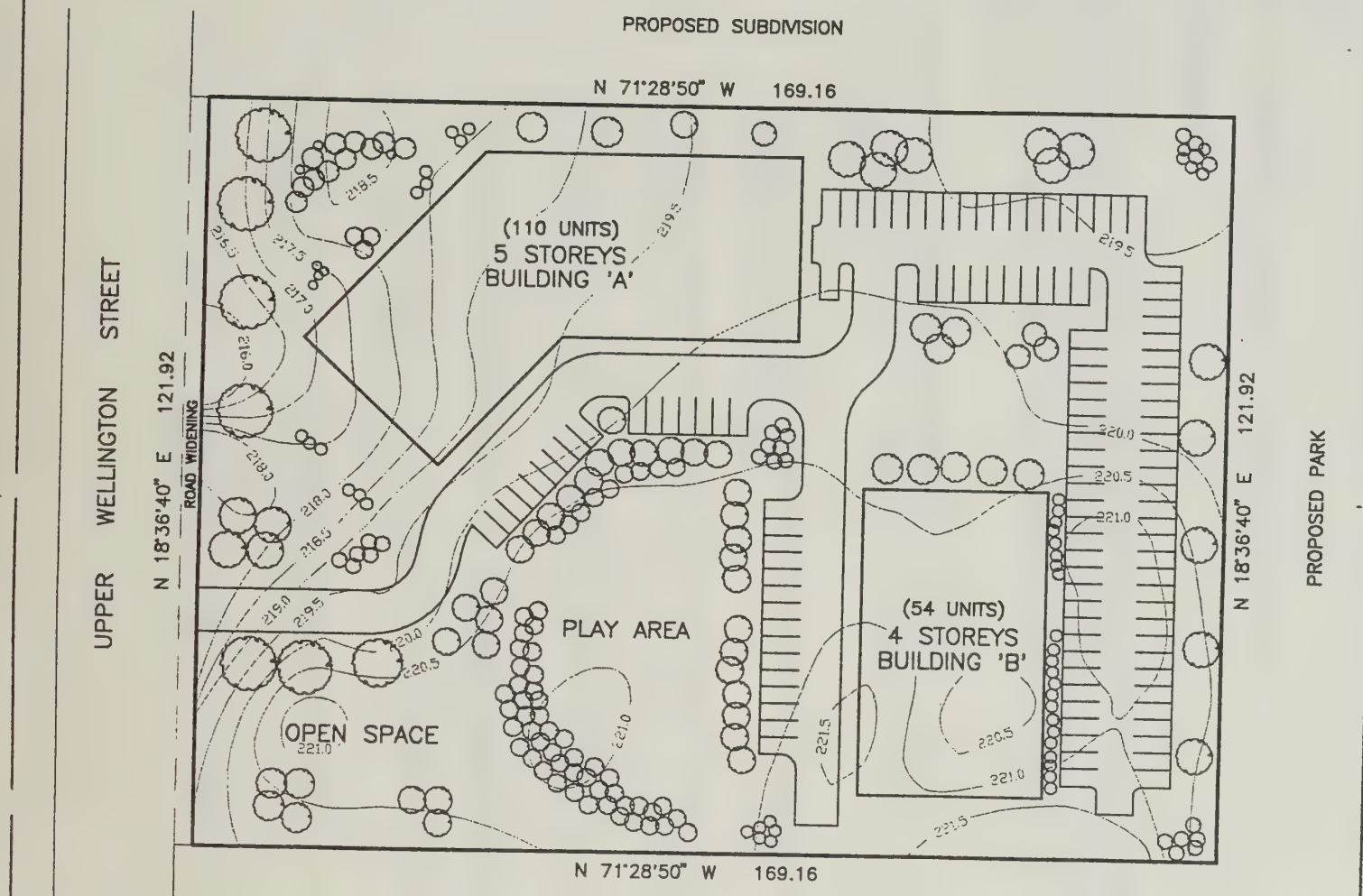


Legend.

Site of the Application.

ZA 89 - 90

APPENDIX A



PROPOSED SITE PLAN

RED-D-MIX

1301–1315 UPPER WELLINGTON STREET
CITY OF HAMILTON

SITE DATA

Total Site Area	20 624 sq.m.
Floor Area Ratio	0.9
Building 'A' Coverage	
2 400 sq.m. x 5 Storeys =	12 000 sq.m.
Building 'B' Coverage	
1 500 sq.m. x 4 Storeys =	6 000 sq.m.
Building Coverage	
18.9% of Lot Area	
Apartment Units	
164 Units @ 110 sq.m. (gross average)	
No. of Parking Spaces – 205	119 At Grade
	86 Below Grade
Landscaped Area	48% 9 900 sq.m.
Driveway/Parking Coverage	31% 6 400 sq.m.

MAY 1990
(Revised)

0 10 20 METRES

MILLER O'DELL
PLANNING ASSOCIATES

87535

May 30/90

APPENDIX B

APPENDIX B

13.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: October 12, 1990
COMM. FILE:
DEPT. FILE: ZA-90-44
Durand
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a modification in zoning - No. 54 Hess Street South.

RECOMMENDATION

That approval be given to Zoning Application 90-44, Sapte Investments Inc. (M. Moisin, L. Balasu, F. Sandulescu, G. Balasu, T. Bompa, T. Bompa), owner, requesting a modification to the established "HI" (Civic Centre Protected) District regulations, to legalize the established four dwelling units, for property located at No. 54 Hess Street South, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the "HI" (Civic Centre Protected) District regulations, as contained in Section 15A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

   a) That notwithstanding Section 15A(1), not more than four dwelling units shall be permitted within the existing building only;

   b) That notwithstanding Section 18A(1)(a), not less than three parking spaces shall be provided and maintained;

   c) That notwithstanding Section 18A(7), one parking space shall have a length of not less than 5.18 m;

   d) That Section 18A(9) shall not apply only in respect of manoeuvring space;

   e) That clauses (b), (c), and (d) of this By-law shall only apply to the building in existence on the date of passage of this By-law;

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and the subject lands on Zoning District Map W-4 be notated S- ;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-4 for presentation to City Council; and,

iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to establish a modification to the established "HI" (Civic Centre Protected) District regulations for property located at No. 54 Hess Street South, as shown on the attached map.

The effect of the By-law is to legalize the four established dwelling units within the existing building. In addition, the By-law provides the following variances as special provisions:

- a minimum of three parking spaces are to be provided and maintained instead of the required four;
- one parking space shall have a minimum length of 5.18 metres instead of the required 6.0 metres;
- manoeuvring for the three parking spaces may be provided off-site;
- the above-noted variances in parking apply only to the existing building.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The property is currently being used as offices for the applicant as well as four residential dwelling units. There is an existing "Order to Comply" (see APPENDIX "B") on the property as the four dwelling units are not permitted under the "HI" (Civic Centre Protected) District regulations. The applicant is seeking to legalize the existing four dwelling units.

The applicant has advised that the four dwelling units have a floor area of: 700 square feet, 925 square feet, 925 square feet, 1250 square feet. In addition, the applicant has also advised that six parking spaces can be provided on site.

APPLICANT

Sapte Investments Inc. (M. Moisin, L. Balasu, F. Sandulescu, G. Balasu, T. Bompa, T. Bompa), owner.

LOT SIZE AND AREA

The subject property has:

- 7.9 m (26 feet) of lot frontage on Hess Street South;
- 35.8 m (117.5 feet) of lot frontage on Main Street West; and,
- 283 m^2 (3,046 square feet) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	office and four apartment dwelling units	"HI" (Civic Centre Protected) District
Surrounding Lands		
to the north and south	offices	"HI" (Civic Centre Protected) District
to the west	offices and apartments	"HI" (Civic Centre Protected) District
to the east	22 storey apartment building	"H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept. The following policies should be noted:

"A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:

i) Residential uses subject to the following provisions:

a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL uses are mitigated;

b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized; and,

d) satisfy the provisions of Subsections A.2.1 and C.7.

A.2.2.17 Residential uses may be permitted within EXTENDED COMMERCIAL areas without an amendment to this Plan where they will not restrict or interfere with the function of the primary permitted uses, and subject to the General Provisions of this Subsection."

The lands also are located within Special Policy Area 3, for which the following policies are applicable:

"A.2.9.2.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7 and Policy A.2.8(ii):

i) It is the intent of Council to strengthen the Residential function of this Area to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;

iii) Council will encourage mixed Commercial/Residential developments or redevelopments within the Central Policy Area and Commercial areas of SPECIAL POLICY AREA 3, subject to the General Provisions of Subsection A.2.2."

Based on the foregoing, the application does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "COMMERCIAL" on the approved Durand Neighbourhood Plan, the proposal does not conflict with the intent of the Plan.

COMMENTS RECEIVED

- The following agency has no objection:
  - Hamilton Region Conservation Authority.

- The LACAC Research Sub-Committee has advised that:

  "A change in zoning for this listed building should be permitted. It is felt that a change to a legal residential zoning use would help to maintain the building's structure allowing it to be used for its original use."

- The Building Department has advised that:

  "The legal use of the building is commercial with one (1) apartment unit. An existing outstanding Order to Comply was issued in February 1990 to reduce the illegal occupancy of four (4) to one (1) unit."

- The Hamilton-Wentworth Engineering Department has advised that:

  "Public watermains and combined sewers are available to service the subject lands.

  The designated road allowance width of Main Street is 26.21 m. We have prepared specific plans outlining lands required for road widening. The plans indicate that a road widening in excess of 6.0 m is required and the applicant should be advised of this future road allowance widening.

  In the absence of any details shown, we advise that any works within the adjacent road allowance must conform to the respective Streets By-laws."

- The Traffic Department has advised that:

  "From our site visit it was noted that there appears to be room to park one vehicle in the front of the building and two vehicles in the rear. As the four units appear to be an existing situation and parking spill-over onto the adjacent streets is unlikely, we have no comment. However, the applicant is using the City boulevard to park vehicles and should apply to the Traffic Department for a commercial boulevard parking agreement to legalize this situation.

  The above-noted variances and conditions should apply only to the building as it exists."

COMMENTS

1. The proposal does not conflict with the intent of the Official Plan.

2. The proposal does not conflict with the intent of the approved Durand Neighbourhood Plan.

3. The following are the positive and negative aspects of the application:

- Positive Aspects

  i) approval of the application would allow for the adaptive reuse of a building listed with LACAC;

  ii) it provides an opportunity for housing in the City's core;

  iii) the subject property is located in the central area of the City and, as such, is close to shopping, cultural facilities, and employment opportunities;

  iv) it is located on a major arterial road that is well served by public transit; and,

  v) it would be compatible with the existing and proposed development in the area.

- Negative Aspects

  i) the proposal cannot meet the parking requirements of the Zoning By-law. For this application, four parking spaces are required. While the applicant has advised that she can provide six parking spaces, the Traffic Department has advised that only three are acceptable, with variances as follows: two without on-site manoeuvring and one parking space that would be substandard in terms of length and would not have on-site manoeuvring space;

  ii) approval of the application may be seen as condoning the illegal conversion of buildings and may encourage other similar applications.

Given the above, the proposal has merit and can be supported.

It should be noted that the conversion of this property, notwithstanding that it was done illegally, does not resemble other recent applications. This conversion, of a listed building, is in a commercial area in the City's core. In addition, the applicant can provide three of the required four parking spaces. In this regard, approval of the application is appropriate and it does not impose a hardship on the residents in the area.

4. The following variances have been identified:

- Number of Parking Spaces

  The subject property is located in the Central Area of the City and thus has reduced parking requirements. For the four dwelling units, four parking spaces are required. The property can accommodate three parking spaces. A variance to reduce the parking can be supported as the location of the building on the property is an existing situation. In addition, the property is located on a major public transit route.

- Size of Parking Spaces and Manoeuvring Area

  The parking space located in the front of the building will be 17 feet in length. As the location of the building is fixed on the lot, a variance to reduce the length of the space can be supported.

  None of the parking spaces will have adequate on-site manoeuvring space. The two parking spaces at the rear will use the adjacent alley for manoeuvring while the parking space at the front of the building is a boulevard arrangement and, given the comments of the Traffic Department, the variance can be supported.

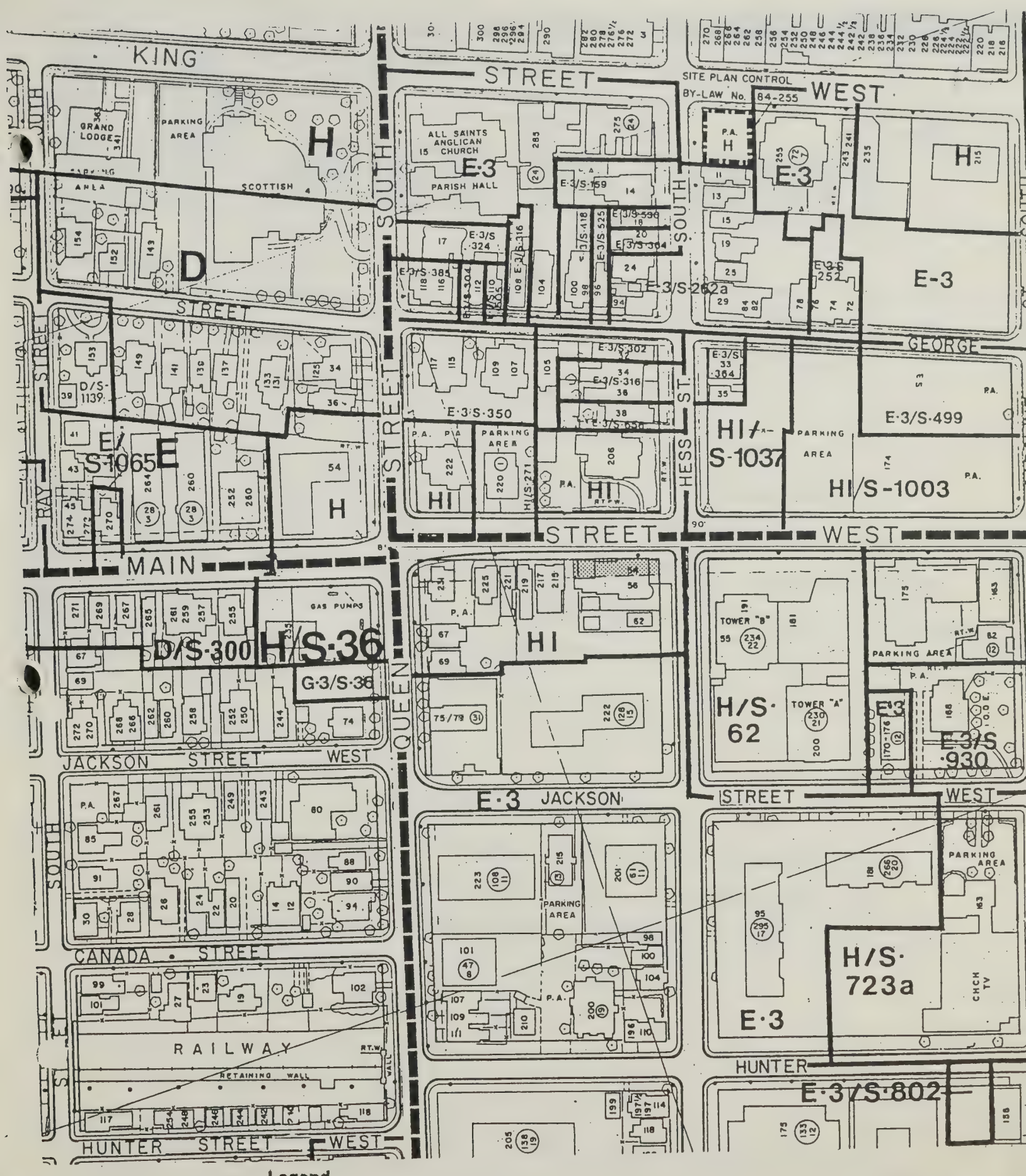
5. Given the comments of the Traffic Department, it would be appropriate to limit the varied parking arrangements to the existing building only. Should the property be redeveloped at some time in the future, the variances for parking would cease to apply.

6. The "HI" (Civic Centre Protected) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223. However, this application for a zoning modification involves no new construction and, therefore, no application for site plan control is required.

CONCLUSION

Based on the foregoing, the application can be supported.

MLT/ma
WPZA9044



Legend

Site of the Application

ZA 90-44

APPENDIX A

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

FILE NO: ZA-90-44

ORDER TO COMPLY

ISSUED TO	LOCATION
Sapte Investments Inc.	54 Hess Street South
c/o 16 Westaway Place	HAMILTON, Ontario.
Hamilton, Ontario	
L9C 2G1	

TAKE NOTICE THAT THE use of the building
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY-LAW(S) AS OUTLINED BELOW:

ITEM	REFERENCE	DESCRIPTION
1.	City of Hamilton Zoning By-law 6593 as amended, Section 15(a)	The use of the building as commercial office and the accommodation of three dwelling units is not permitted.
		REQUIREMENT TO COMPLY: Reduce the occupancy of the building to commercial offices and one dwelling unit or seek zoning amendment to allow for the existing occupancy.

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION ARE HEREBY ORDERED TO COMPLY ~~FORTHWITH~~/WITHIN ninety (90) days

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATION/BY-LAW

REGISTERED MAIL	Feb 13/90	J. Ivezic 546-2574	Feb 13/90
RECEIVED BY	DATE	INSPECTOR	DATE

PHONE DIRECT 526-2782
8 AM - 9 AM

APPENDIX B

INCOME FINANCIAL CORPORATION

231 MAIN STREET WEST, P.O. BOX 999 — HAMILTON, ONTARIO L8N 3R1 — TEL. (416) 527-4557

13a.

Reply to B. W

October 12, 1990

The Corporation of the
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

OCT 16 1990

Attention: Planning & Development Committee

Gentlemen:

Re: Zoning Change - 54 Hess Street South
File # ZA90-44

Under normal conditions, I would not be against the re-zoning of this property.

However, I wish to point out the following problems that exist. At this time, there is inadequate parking for the change. This building is now partially a commercial establishment with people coming and going with cars being parked on the front sidewalks (which may or may not be legal) and containing a small piece of land at the rear suitable for a maximum of 2 cars.

We are the owners of the property directly west and south of 54 Hess and we are continually requesting that the tenants and clients of 54 Hess Street remove their vehicles from our parking lot.

Last, but not least, we are under the impression that this building was designated a heritage building and received some cash consideration in order for it to have its exterior upgraded and maintained. We wish to advise you that the exterior is in disrepair on all three exterior sides. The eavestroughs and water spouts are torn and lying on the ground and the corner was next to impossible to pass during the recent rains.

We believe that unless adequate legal parking can be arranged, and the owners are required to keep the exterior of the building in good repair, it would be unfair to the remaining neighbours on the block to have the department grant them their request.

Yours truly,

YIELD INVESTMENTS LIMITED

B. S. Walman, A.M.B., M.T.C.I.
President
BSW/krg
encl.

14.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: October 17, 1990
COMM. FILE:
DEPT. FILE: ZA-90-62
Gibson
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Application for a change and modification in zoning - Nos. 31, 33 and 35 Aikman Avenue.

RECOMMENDATION

1. That approval be given to Zoning Application 90-62, Good Shepherd Non-Profit Homes Inc., owner, for a change in zoning from "G-3" (Public Parking Lots) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified (Block "1"), and for a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "2"), to permit a 6-storey, 63 unit non-profit apartment building, on property located at Nos. 31, 33 and 35 Aikman Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

   i) That the lands described as Block "1" be rezoned from "G-3" (Public Parking Lots) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;

   ii) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-Law No. 6593, applicable to the lands described as Blocks "1" and "2", be modified to include the following variances as special requirements:

      a) That notwithstanding Sections 11.(1), 11.(2) and 11.(5) a multiple dwelling having a maximum height of 6 storeys, containing a maximum of 63 dwelling units and having a maximum gross floor area of 4,460.0 m^2 shall be permitted;

      b) That notwithstanding Section 11.(3)(i)(b) a minimum front yard of 0.67 m shall be provided and maintained;

      c) That notwithstanding Section 11.(3)(ii)(b) a minimum easterly side yard of 4.36 m and a minimum westerly side yard of 4.43 m shall be provided and maintained;

      d) That notwithstanding Section 18(3)(vi)(cc)(ii) and (iii) a balcony may project into the required rear yard a maximum of 1.6 m; into the easterly side yard a maximum 0.8 m on the ground floor and 0.4 m on the remaining 5 floors; and into the westerly side yard a maximum of 1.0 m;

e) That notwithstanding Section 2.(2)J.(xb)(C) and Section 11.(6) the following landscaped areas shall be provided and maintained on the lot:

1. not less than 12.02% of the lot area at grade; and,

2. not less than 7.58% of the lot area above grade at the raised terrace level.

f) That notwithstanding Section 18(3)(vi)(e) the front entrance stairs to the raised terrace level shall be permitted within 0 m of the street line;

g) That notwithstanding Section 18A TABLE 1(g) a minimum of 36 parking spaces shall be provided and maintained;

h) That notwithstanding Section 18A TABLE 3, 2 a minimum of one 3.7 m x 9.0 m x 4.3 m loading space shall be provided and maintained;

i) That notwithstanding Sections 18A(9), (10) and (32) the manoeuvring space for the required parking and loading spaces on the surface of the lot may be provided off-site;

j) That notwithstanding Section 18A(24)(b)(i) the alleyway for an access driveway to the required parking area shall be a minimum width of 3.66 m.

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-22 be notated S- ;

iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-22 for presentation to City Council;

v) That the Gibson Neighbourhood Plan be amended by redesignating the subject lands to "MEDIUM DENSITY APARTMENTS".

vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "G-3" (Public Parking Lots) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified for Block "1" and a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District for Block "2", for property located at Nos. 31, 33 and 35 Aikman Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a 6-storey, 63 unit non-profit apartment building on the site.

In addition, the By-law provides for the following variances as special requirements:

- to permit a maximum gross floor area of 4,460.0 m^2, whereas 3,423.8 m^2 is permitted;
- to permit a minimum front yard of 0.67 m, whereas 6.07 m is required;
- to permit a minimum easterly side yard of 4.36 m and a minimum westerly side yard of 4.43 m, whereas minimum side yards of 8.09 m are required;
- to permit the balconies to further project 0.4 m into the allowed easterly side yard, and a further projection of 1.0 m into the allowed westerly side yard, and a projection of 1.6 m as opposed to the required 1.0 m into the required rear yard;
- to require a minimum of 12.02% of the lot area to be provided and maintained as landscape space at grade, and a minimum of 7.58% of the lot area to be provided and maintained as landscape space above grade at the terrace level, for a total of 19.6% of the lot area whereas a minimum of 25% is required;
- to permit the front entrance stairs to the raised terrace level to be within 0 m of the street line of Aikman Avenue, whereas 1.5 m is required;
- to require a minimum of 36 parking spaces, whereas a minimum of 79 parking spaces are required;
- to require a minimum of one 3.7 m x 9.0 m 4.3 m loading space, whereas one 3.7 m x 18.0 m x 4.3 m loading space is required;
- to permit the manoeuvring space for the required parking spaces and loading space on the surface of the lot to be off-site;
- to permit the alleyway for an access driveway to the required surface parking area to be a minimum width of 3.66 m, whereas a minimum width of 5.5 m is required.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The purpose of the application is to permit the development of the subject properties for a 6-storey, 63 unit apartment building, operated by Good Shepherd Non-Profit Homes (see APPENDIX "B"). A total of 36 parking spaces will be provided and the existing dwelling at No. 35 Aikman Avenue will be demolished.

APPLICANT

Good Shepherd Non-profit Homes Inc., owner.

LOT SIZE AND AREA

- 48.585 m (159.39 ft.) of lot frontage on Aikman Avenue;
- 41.45 m (135.99 ft.) of lot depth; and,
- 2,014 m^2 (21,679.2 sq. ft.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	Vacant lands and a vacant dwelling	"G-3 (Public Parking Lots) District and "E" (Multiple Dwellings Lodges, Clubs, etc.) District
Surrounding Lands		
to the north	Commercial	"H" (Community Shopping and Commercial, etc.) District
to the south	Single-family and two-family dwellings	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the east	Single-family dwellings and an apartment building	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District and "E-3" (High Density Multiple Dwellings) District
to the west	Residential care facility	"E" (Multiple Dwellings, Lodges Clubs, etc.) District

OFFICIAL PLAN

Designated "COMMERCIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan and subject to the following policies, among others:

"A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan

i) Residential uses subject to the following provisions:

a) Access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated; (O.P.A. No. 27)

b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized; (O.P.A. No. 27)

c) satisfy the provisions of subsections A.2.1 and C.7 (O.P.A. NO. 27)."

In addition, the following policy from Subsection C.7 - Residential Environment and Housing Policy is applicable:

"A.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

ii) Alteration of traffic flows;

iii) Improvement and maintenance of street landscaping".

The proposal would comply with the Official Plan if:

1. An Official Plan Amendment is approved redesignating the subject lands from "Commercial" to "Residential"; or

2. The Approved Gibson Neighbourhood Plan is amended to show the subject lands as "Medium-Density Apartments".

NEIGHBOURHOOD PLAN

Designated in part "COMMERCIAL" and in part "MEDIUM DENSITY APARTMENTS" on the approved Gibson Neighbourhood Plan. The proposal will involve redesignation of part of the site from "COMMERCIAL" to "MEDIUM DENSITY APARTMENTS".

COMMENTS RECEIVED

- The Building Department has advised that:

"1. The proposed use is a 63 unit multiple dwelling.
2. The building requires the following yards:
   - Front yard 6.07 m.
   - Side yards 8.09 m.
   - Rear yard 9.07 m.
   - The front and both side yards are insufficient.
3. The balcony projects 1.6 m into required rear yard instead of the 1.0 m maximum projection.
4. The easterly and westerly side yards are further reduced by the projection of balconies.
5. The proposed gross floor area of 4.409.86 m^2 exceeds the maximum gross floor area of 3,423.8 m^2.
6. The (sixty three) 63 unit multiple dwelling requires 79 parking spaces of which 16 parking spaces shall be signed visitors only and one 3.7 m x 18.0 m x 4.3 m loading space. The number of parking spaces and the size of the loading space are insufficient.
7. The proposed landscaped area at grade of 242.05 m^2 and 152.64 m^2 above grade at terrace is less than the minimum required 503.5 m^2 landscaped area at grade.
8. The stairway to the raised terrace entrance does not provide the minimum 1.5 m setback from the front lot line.
9. The required manoeuvring spaces for the parking spaces and loading space are not provided on the lot.
10. The alleyway used for an access driveway does not provide the minimum 5.5 m clear width."

- The Traffic Department has advised that:

"...we have reviewed the above noted application and find the proposed zoning satisfactory. With respect to the site plan submitted with the application the following comments are provided: A 18.0 x 3.7 m loading space is required by the By-law. However, due to the tenancy type of this building a 9.0 m x 3.7 m loading space as proposed would be acceptable.

This site will provide 36 parking spaces. The By-law requirement is 79 parking spaces. On the basis of the submission by the applicants we would support a variance for reducing the parking requirements." (see APPENDIX "C")

- The Hamilton-Wentworth Engineering Department has advised that:

  "...there are public watermains and combined storm and sanitary sewers available to service the subject lands.

  In the absence of any details shown, we advise that any works which may occur within the assumed alley must conform to the City of Hamilton Streets By-law.

  The City of Hamilton Traffic Department is to comment on access design, site manoeuvring and loading, access to the alley etc. We require 5 m x 5 m daylight triangles between the accesses and the street line in which the height of objects, walls, mature vegetation etc. is not to exceed a height of 0.60 m above the corresponding perpendicular centreline elevation of Aikman Ave. It appears that the 5 m x 5 m daylight triangle is provided on the east side of the access but not on the west side. The axonometric drawing shows a concrete wall on the west side of the access and the height of the concrete wall within the 5 m x 5 m daylight triangle must also conform to these height requirements. The grade of the access within the road allowance should not exceed 3% and the grade of the drawing from the property line to 7.5 m northerly should not exceed 5%.

  The elevations of the property line at the street line should be approximately the same as the centreline elevation of Aikman Avenue. We also recommend that the fences be setback 3 to 5 metres from the street line/alley limit etc. to ensure adequate visibility. The west access to Aikman Avenue, if possible, should be a minimum of 3 m. In any event, fences should be setback 3 m from the street line.

  As noted previously, the alley to the rear of the subject lands is public assumed and comments from the City of Hamilton Traffic Department with respect to manoeuvring from the alley and in the alley should be considered. In order to provide minimum motorist visibility entering the alley, the parking spaces should be setback 5 m from the side lot lines and all fences etc. within 5 m of the alley should not exceed a height of 0.60 m above the alley elevation."

- The Hamilton-Wentworth Social Services Department has advised that:

  "With regard to the above application, we strongly support it. We are very familiar with the target population to be housed in this project; these individuals need stable permanent housing and the "built in" support the Brothers of the Good Shepherd intend to provide.

  As indicated in the application, very few members of this population own cars; consequently, a reduction in required parking spaces is appropriate".

- The Hamilton-Wentworth Regional Police Department and the Hamilton Region Conservation Authority have no comments or objections to the rezoning application.

COMMENTS

1. The proposal will comply with the intent of the Official Plan upon redesignation of part of the site on the approved Gibson Neighbourhood Plan.

2. The proposal would involve redesignation of part of the site on the approved Gibson Neighbourhood Plan from "COMMERCIAL" to "MEDIUM DENSITY APARTMENTS".

3. The application has merit and can be supported for the following reasons:

   - It implements the intent of the Official Plan;
   - It implements the intent of the "E" District applicable to part of the site which provides for multiple-family development;
   - It implements the Provincial Housing Guidelines respecting Affordable Housing;
   - It would provide for assisted housing under the Supportive Housing Programmes of the Ministry of Housing and the Ministry of Community and Social Services;
   - It is suitably located within an area zoned for the most part for multiple-family development and the proposed building will be located between two established multiple dwelling uses, (19 Aikman Avenue (Residential Care Facility) and 30 Sanford Avenue South), and would be compatible with surrounding development;
   - It is situated within close proximity to public transit routes;
   - It is close to the downtown area of the city which provides for a wide variety of shopping and community services.

4. The site plan submitted with the application has been reviewed by the Building Department who have noted the following By-law variances:

   - Yard Requirements (Sections 11(3)(i)(b),11(3)(ii)(b))

	Proposed	Required
front yard	0.67 m	6.07 m
side yards	easterly 4.36 m westerly 4.43 m	8.09 m

Technically, a minimum front yard setback of 0.67 m would be provided due to the the raised terrace (roof of parking structure). However, a setback of 3.27 m is proposed for the three storey portion of the building, and a 12.5 m setback for the six storey main tower portion. It is noted that a front yard setback of 5.77 m is established for the multiple dwelling (residential care facility) located to the west, and a front yard setback of between 0.73 m and 3.51 m is established for the single-family dwelling located to the east. Since the actual building will be setback between 3.27 m and 12.5 m the requested variance can be supported. It should also be noted that the raised terrace level will provide for front yard landscaping treatment.

Regarding the side yards, the proposed setbacks would be consistent with the side yards established for the adjoining residential care facility to the west of the site which measure 4.48 m and 4.50 m respectively.

- Balcony Projections (Section 18(3)(vi)(cc(ii) and (iii)

The balcony projects 1.6 m into the required rear yard instead of the permitted 1.0 m, and the easterly and westerly side yards are further reduced by the projections of balconies.

The additional rear balcony projection of .6 m is considered to be minor in nature and can be supported. The westerly balcony projection as shown on the submitted plan is 1.0 m, however, because the lot tapers it would fractionally encroach beyond the 1.0 m at the southerly most projection into the allowed side yard. The easterly balcony projection (0.8 m on the ground floor and 0.4 m on the remaining 5 floors) and the westerly balcony projections are considered to be minor in nature and can be supported.

- Gross Floor Area (Section 11(6))

The total gross floor area proposed is 4,460.0 m^2 or 2.2 x lot area, whereas a total maximum gross floor area of 3,423.8 m^2 or 1.7 x lot area is permitted. Taking into consideration that a large portion of the ground floor is used for amenity space, office space and service use, and a portion of the sixth floor is also used for amenity space, the actual residential gross floor area would be approximately 3,700 m^2 or 1.85 x lot area, which would be in keeping with the "E" District regulations and can be supported.

- Lanscaping (Section 2.(2)J.(xb)(C) and 11(6)

The applicant is providing a total landscaped area of 394.69 m^2 (19.6%), whereas the by-law requires a minimum of 503.5 m^2 (25%) to be provided and maintained on the site. Of the total proposed, 152.64 m^2 (7.58%) is to be provided above grade on a terrace level. Technically, the terrace landscaped area is not permitted as it is on the roof of the garage. Accordingly, a variance to the Definition of "Landscaped Area" (Section - 2.(2)J.(xb)(C) is required. The requested variance can be supported as the development provides for a substantial internal amenity area for use by the tenants (ground floor and top floor) which off-sets the need for outdoor amentiy space. Furthermore, the majority of the outdoor amenity space is provided along the easterly side property line which acts as a buffer for the adjoining single family development, and in front of the building to enhance the streetscape.

- Raised Porch Stairway Setback (Section 18(3)(vi(e))

  The front entrance stairs to the raised terrace landscaped area require a minimum 1.5 m setback from the streetline, whereas the front stairs are within 0 m of the streetline. The variance can be supported on the grounds that the adjoining properties to the east have similar stair projections, and the 1.5 m setback if applied may interfere with the number and/or clearance height of indoor parking spaces situated under the proposed stairway.

- Parking and Loading Regulations (Section 18A TABLE 1(g) & TABLE 3.2)

  The By-law requires 1.25 parking spaces for each dwelling unit for a total of 79 parking spaces (1.25 x 63 units), and one large loading space 3.7 m x 18.0 m x 4.3 m.

  The applicant is proposing a total of 36 parking spaces (14 on grade and 22 underground) and one small substandard loading space 2.7 m x 9.0 m x 4.3 m. The Traffic Department has advised that based on the applicants submission (see APPENDIX "C") they can support a reduction in parking and one small loading space (9.0 m x 3.7 m).

- Manoeuvring Space for required Parking Spaces and Loading Space (Section 18A(9))

  Due to the shape of the lot some of the parking spaces at the rear of the building will have insufficient manoeuvring area on site as required by the By-law. In addition, the manoeuvring space for the required loading space is too short and will require off-site manoeuvring on Aikman Avenue. The Traffic Department is prepared to support the requested variance.

- Access to required parking area (Section 18A(24)(b)(i))

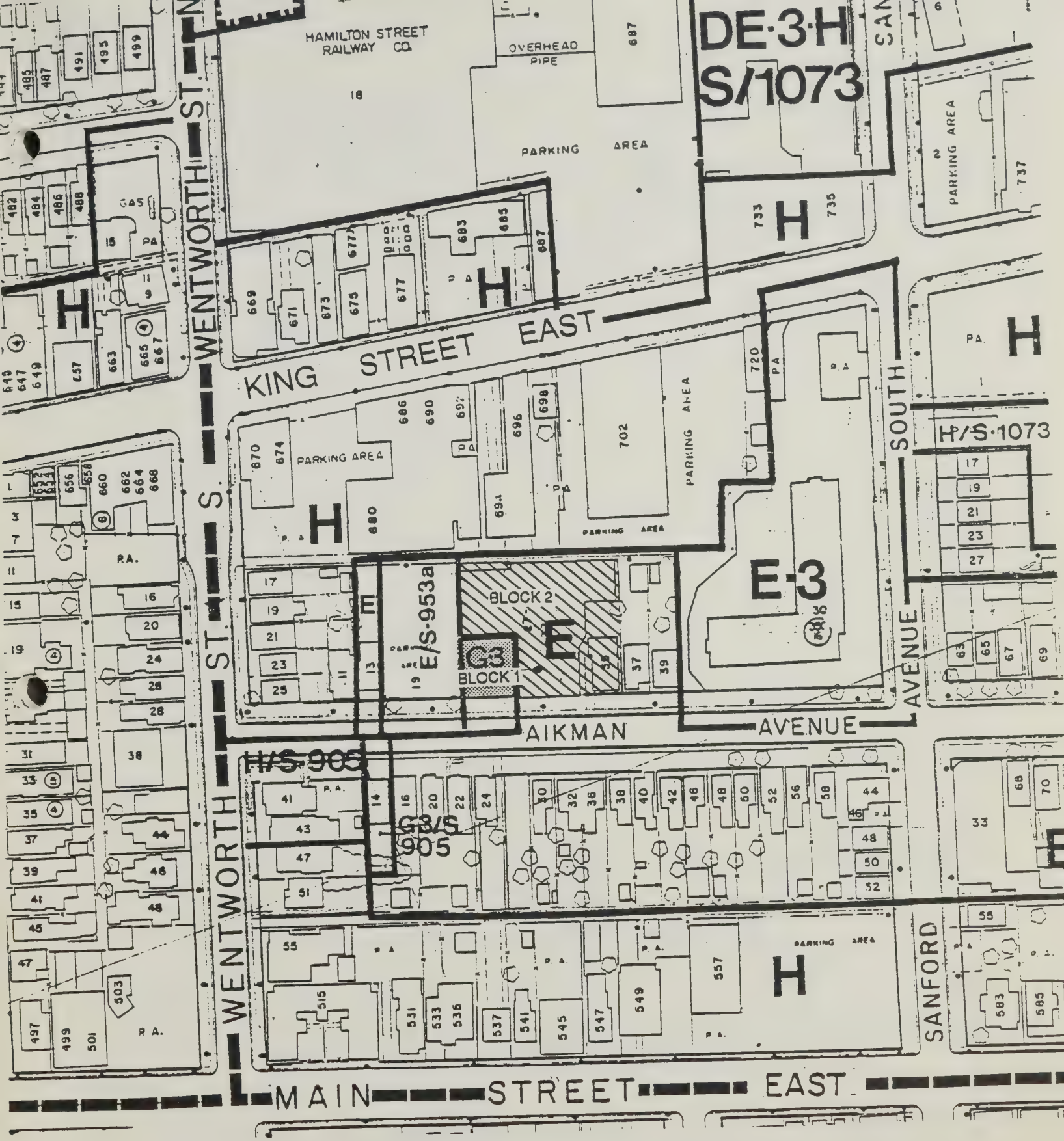
  The alleyway used for an access driveway to the required parking spaces on the surface of the lot has a width of 3.66 m, whereas the By-law requires a minimum width of 5.5 m. The variance can be supported on the basis that this represents an established situation which cannot be changed.

5. Under the "E" District regulations the development of the site is subject to Site Plan Control By-law 79-275 as amended by By-law 83-223. In this regard, matters such as parking, loading, landscaping, grading, fencing, access, road widening, etc. can be further reviewed at the site plan control stage of development.

CONCLUSION

On the basis of the foregoing, the applicant can be supported.

GAW/ma
WPZA9062



Legend

Proposed change in zoning from:

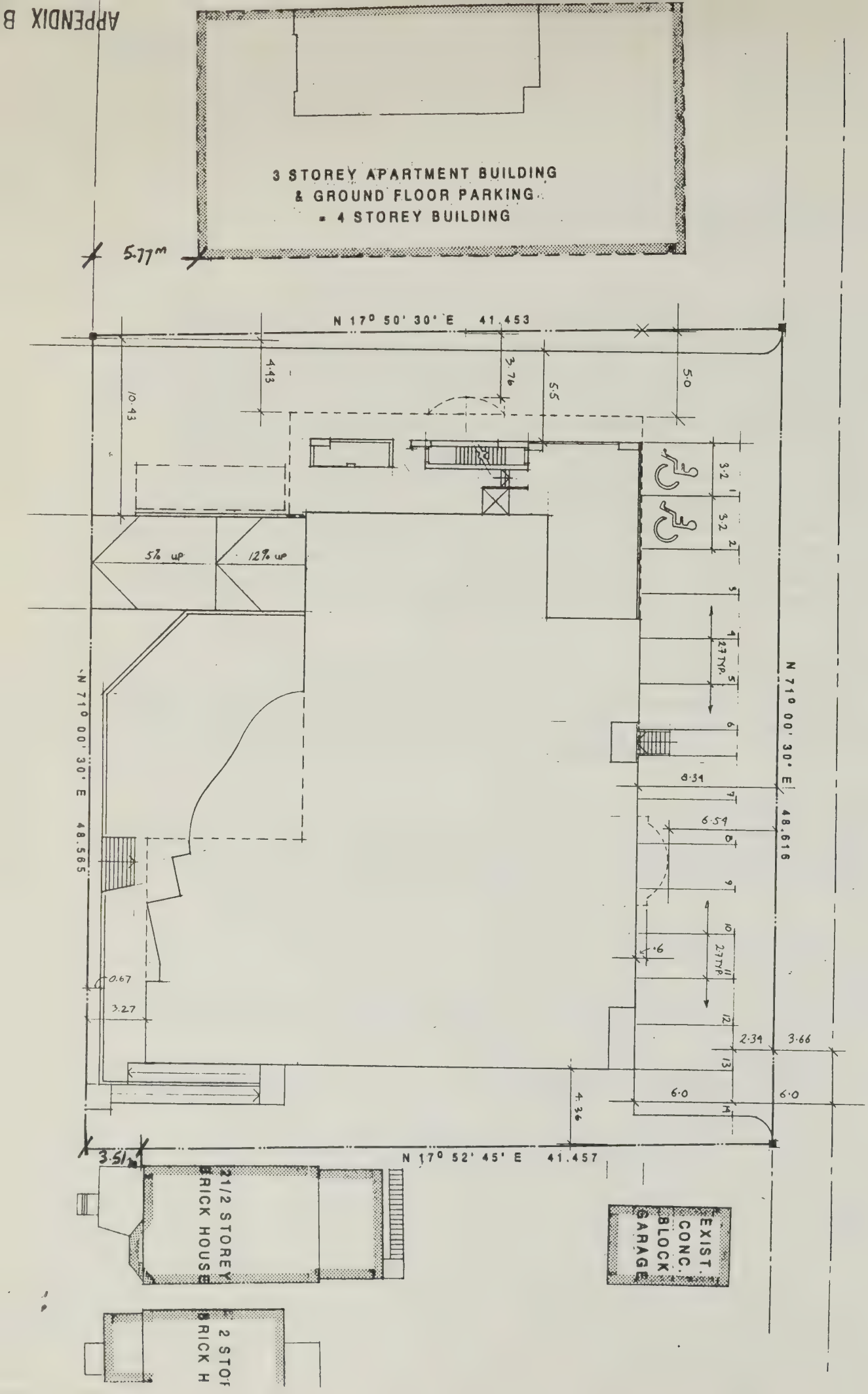
BLOCK 1 — "G-3" (Public Parking Lots) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified.

BLOCK 2 — Modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District

ZA 90-62

APPENDIX A

APPENDIX B


3 STOREY APARTMENT BUILDING
& GROUND FLOOR PARKING
= 4 STOREY BUILDING
5.77m
N 17° 50' 30" E 41.453
4.43
3.76
5.5
5.0
10.43
3.2
3.2
5% up
12% up
2.7 TYP.
N 71° 00' 30" E 48.565
N 71° 00' 30" E 48.616
8.31
6.59
2.7 TYP.
0.67
3.27
2.39
3.66
6.0
6.0
4.36
3.51
N 17° 52' 45" E 41.457
2 1/2 STOREY BRICK HOUSE
EXIST. CONC. BLOCK GARAGE
2 STOREY BRICK H

July 13, 1990

Rationale for Variances from
Set-back and Landscape Requirements

PROJECT 31-33-35 AIKMAN AVENUE Project No. 8824-B4
Good Shepherd Non-Profit Homes

The design consists of one building which has been divided into two major components:

a) an apartment block
b) a street related block

Most of the density is assigned to the apartment block portion which is predominantly 6 storeys in height stepping to 5 storeys on the east. This building element is set back approximately 13.2 meters and 8.34 meters from the front and rear lot lines respectively.

Extending southwards from the apartment block is a 3-storey street related block which gives the development a presence on Aikman Avenue which is compatible in scale with the existing residential structures to the east. The face of this element aligns with the setback of the adjacent existing house at 3.51 meters from the street right-of-way.

Given sub-surface geotechnical conditions, the basement parking level must not be located too far below grade. Accordingly, it is anticipated that the ground floor of the apartment building will be located approximately 1.5 meters above grade. The design proposes to set back the face of the basement parking structure which extends above grade to align with the face of the front porch of the adjacent dwelling at 37 Aikman Avenue. The roof associated with this facility would be designed as a terrace. This feature would provide a major amenity space, raised above the sidewalk level to afford some degree of overlap between the private apartment building and public street realms similar to the effect achieved with front porches in the traditional urban residential neighbourhood. Accordingly, consideration could be given to accepting that the raised terrace would contribute to the landscaped area requirements despite the by-law definition which restricts such areas to grade.

ALLEN ENSSLEN BARRETT ARCHITECTS

APPENDIX B

RATIONALE FOR PARKING REQUIREMENT REDUCTION

THE EMMAUS PROJECT

31-33 AIKMAN AVENUE, HAMILTON

The Brothers of the Good Shepherd at attempting to create non-profit, permanent housing for those in Hamilton for individuals who have traditionally had difficulty maintaining permanent housing. Personal stability and stability within the building community will be encouraged through individualized support services will be provided according to need by a 24 hour staff.

The project is being developed under the Supportive Housing Programmes of the Ministry of Housing and the Ministry of Community and Social Services. The construction budget ceiling is fixed by the Ministry of Housing. The typical resident will be on social assistance, single or coupled without children.

Similar residences in other municipalities have been successful in obtaining a reduced requirement for parking due to the nature of the building resident. In Welland, the Canal View project, a 57 unit apartment building, was approved with 20 spaces. In St. Catharines, the Bethlehem Place, 48 units of apartments, was approved with 3 parking spaces with a requirement of 7 additional spaces being leased from city owned parking.

Both projects are in the central core and are designed to provide housing to the same type of resident population. At this time, only Bethlehem Place has an operating experience relating to parking. Bethlehem typically experiences 3 to 4 cars owned by residents. Bethlehem also has 35% of their units for family use, a population that might be expected to have a car.

The parking requirement for the Aikman site is 1.25 times the number of units. That would mean having to provide 79 spaces (assuming a 63 unit building). The proposal is to provide 36 spaces (14 on grade and 22 in an underground structure.

The best estimate is that normal usage will require no more than 10 to 12 cars. We expect to have 300% more parking available than is actually needed.

It is our hope, therefore, given the Ministry of Housing financial constraints and the nature of the residents, that the proposed provision of parking be approved.

APPENDIX C

Oct. 11/90

14a

OCT 15

To Whom it may Concern:

It is fine to make non profit Homes to help people have a place to live. But it is Who you put in these places and how the building and grounds are kept.

Take into consideration our Seniors building the retirement home next to where you want to build. These people are paying $120.00 to $150.00 a month for piece and quiet in there late years.

So they should'nt have to look out at a bunch of rowdy + sometimes dirty area.

You know and I know we have enough shabby looking places around. So I say yes if consideration is used and if it is going to be a hazard with so many cars etc forget it.

Yours truly
Mrs. Mary Pothier

30 Sanford Ave. S.
#719

14b.

October 17, 1990

The Corporation of the City of Hamilton
71 Main Streer West
Hamilton, Ontario
L8N 3T4

Attention: Planning Department

Dear Sir/Madam

Re: Proposed change in zoning - File No. ZA90-62

My family and I have lived on 37 Aikman Avenue since 1977. The house next door, that is 35 Aikman Avenue, which presently is boarded up, had been a residence for young welfare recipients all these years. During these years it has been hell on earth every payday and for the few days that followed. They would carry beer all day and night, most of it by taxi. We could not sleep day or night with their Hi-Fi blaring constantly. At times there were at least 40 people living at this address. We had repeatedly phoned the City Hall, and the police, but nothing was ever done.

We are not against zoning changes if it is for senior citizens or normal Apt. buildings, but we are against young welfare recipients. I am a retired senior citizen and have lived in the City of Hamilton for over 50 years and my desire is to live the remainder of my life in peace and quiet with my family and I do not wish to be chased away from my home.

These are my reasons for not wanting this change in zoning, if the proposed properties become residence of young welfare recipients.

Yours truly

Sam Dimitrey

Sam Dimitrey
37 Aikman Avenue
Hamilton, Ontario
L8M 1P6

cc: Mr. Brian Hinkley
Mr. Don Drury

15.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: October 5, 1990
COMM. FILE:
DEPT. FILE: ZA-90-60
Stipeley
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a modification in zoning - No. 73 Garfield Avenue South.

RECOMMENDATION

That amended Zoning Application 90-60, Alfrin Enterprises Corporation (D. Frisina), prospective owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to convert the existing building to fourteen dwelling units (condominiums or apartments), for property located at No. 73 Garfield Avenue South as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

i) it conflicts with the position of City Council, adopted May 29, 1990, to deny the application for conversion of this building to eighteen dwelling units and to deny an amended application for conversion of this building to fourteen units.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o Proposal

The existing building was formerly used by CKOC Radio Station, who have since moved to another location. At the time, the radio station employed approximately fifty people of which about thirty persons would be working at the radio station during regular business hours.

The applicant is proposing to convert the existing building to fourteen condominiums or apartments.

- Zoning Application 90-28 - 73 Garfield Avenue South

  At its meeting of May 23, 1990, the Planning and Development Committee recommended denial of this application, as submitted, to permit conversion of the existing building to eighteen condominiums or apartments. The Planning and Development Committee also denied an amended application to permit conversion of the existing building to fourteen condominiums or apartments. City Council, at its meeting of May 29, 1990 adopted the recommendations of the Planning and Development Committee, to deny the original application and the amended application.

APPLICANT

Alfrin Enterprises Corporation (D. Frisina), prospective owner.

LOT SIZE AND AREA

The subject property has:

- 30.48 m (100 feet) of lot frontage on Garfield Avenue South;
- 30.48 m (100 feet) of lot depth; and,
- 929 m^2 (10,000 square feet) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant 2 storey office building	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north, south, west, and east	one and two family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, the following policies are applicable:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings ...

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Stipeley Neighbourhood Plan, the proposal does not comply. Approval of the application would require a redesignation to "MEDIUM DENSITY APARTMENTS".

COMMENTS RECEIVED

o The following agencies have no objection:

- Hamilton Region Conservation Authority; and,
- Local Architectural Conservation Advisory Committee Staff.

o The Building Department has advised that:

"1. A 14 unit multiple dwelling is not permitted.

2. A 14 unit multiple dwelling requires 18 parking spaces and one 3.7m x 9.0m x 4.3m loading space.

3. The parking and loading requirements are subject to the provisions of Section 18A of Zoning By-law 6593."

o The Traffic Department has advised that:

"This site was previously studied under ZA-90-28. At that time, the applicant was requesting approval for 18 units. The application is now for 14 units. A copy of our letter dealing with the previous application is attached.

Our previous comments are still in effect recommending the site be placed under site plan control and that a minimum one parking space per dwelling unit be supplied."

o The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

For your information, the sewer system in this area is sub-standard. However, we do not anticipate any significant impact on the system.

According to plans submitted by the applicant, the stairs and retaining wall at No. 73 Garfield Avenue South and the retaining walls encroach into the road allowance. Therefore, as a condition of approval, we recommend that the applicant/owner enter into an encroachment agreement with the City of Hamilton.

The Traffic Department is to comment on access, driveway width, etc. since the parking area has access to the alley.

Manoeuvring, etc. appears to be substandard.

According to our records, the alley to the rear of the subject lands is public unassumed. Therefore, the City of Hamilton cannot guarantee free and clear access to the rear of the subject lands from the alley."

COMMENTS

1. The proposal complies with the intent of the Official Plan.

2. The proposal does not comply with the intent of the approved Stipeley Neighbourhood Plan. Approval of the application would require a redesignation from "SINGLE AND DOUBLE RESIDENTIAL" to "MEDIUM DENSITY APARTMENTS".

3. The application cannot be supported for the following reason:

   i) it conflicts with the position of City Council, adopted May 29, 1990, to deny the application for conversion of this building to eighteen dwelling units and to deny an amended application for conversion of this building to fourteen units.

4. It should be noted that, in the staff report for the previous application (ZA-90-28), the Planning and Development Department supported the amended application for conversion of the existing building to fourteen units, on the following basis:

"i) it implements the intent of the Official Plan;

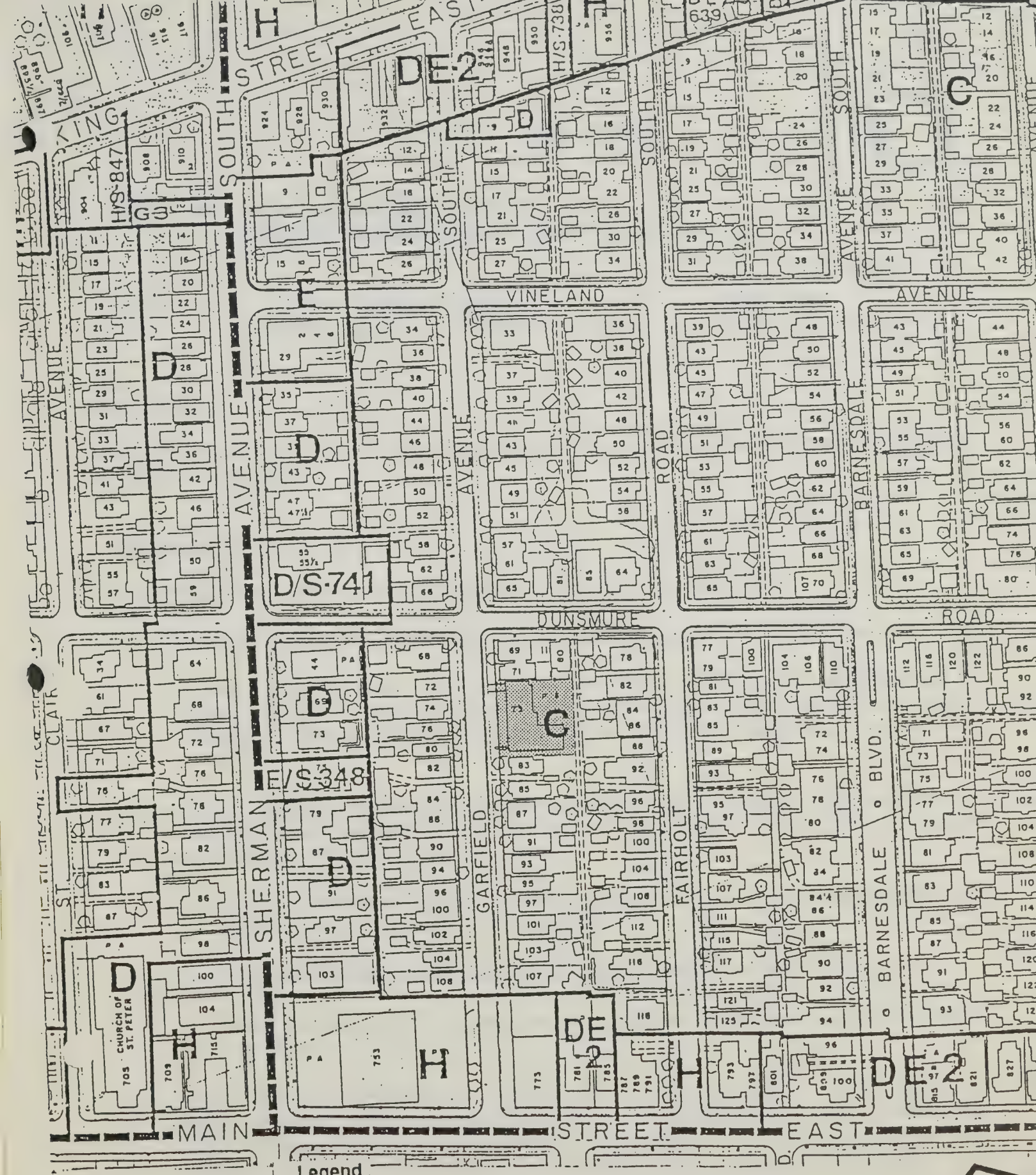
ii) it provides for an adaptive re-use of the existing building. In this regard, the conversion shall be within the existing building only and will not alter the character of the building and will maintain the existing streetscape; and,

iii) the conversion of the existing building to a multiple residential building, with adequate parking provisions, would be appropriate and would be less intrusive in the neighbourhood than the previous office use. However, given the position of the Traffic Department, and the fact that only fourteen parking spaces can be provided and maintained on-site, it would be appropriate to limit the number of units based on the parking ratio of one space per unit."

CONCLUSION

The position of the Planning and Development Department regarding the conversion of the existing building to fourteen units has not changed. However, given the previous position of Council respecting conversion of this building to fourteen dwelling units, the present application should not be supported.

MLT/ma
WPZA9060


KING
EAST
STREET
SOUTH
AVENUE
VINELAND
AVENUE
SOUTH
AVENUE
BARNESDALE
ROAD
DUNSMURE
ROAD
CLAIR
AVENUE
SHERMAN
AVENUE
GARFIELD
AVENUE
FAIRHOLT
ROAD
BARNESDALE
BLVD.
MAIN
STREET
EAST
H/S-847
H/S-738
D/S-741
E/S-348
CHURCH OF ST. PETER
Legend
Site of the Application
ZA 90-6

APPENDIX A

FOR ACTION

16.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1990 October 17

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:

DEPT. FILE: P5-2-127

SUBJECT:

Proposed amendments to the Strathcona Neighbourhood Plan regarding Locke Street South between Main Street and King Street.

RECOMMENDATIONS:

(a) That the approved Strathcona Neighbourhood Plan (Map 1) be amended to:

i) delete the designated widening of Locke Street South between Main Street and King Street; and,

ii) add a special policy in the Plan to require 3.0 m front yard setbacks for new development on the west side of Locke Street South between Main Street and King Street, and to prohibit vehicular access from Locke Street South for new development along the west side of Locke Street.

(b) That the Planning and Development Department be directed to undertake a City Initiative and schedule a Public Meeting to consider amendments to the Zoning By-law for Locke Street South between Main Street and King Street to:

i) permit the construction of buildings on this section of Locke Street, notwithstanding the existing road allowance width of 33 ft. for this roadway;

ii) reduce the front yard setback along the west side of Locke Street South to 3.0 m; and,

iii) prohibit vehicular access from Locke Street South for new development along the west side of Locke Street.

(c) That the Transport and Environment Committee be requested to initiate the improvement of the existing north-south alleyway between Locke Street and Margaret Street, to permit rear parking and access, regardless of whether Locke Street is to be widened or not. The disposition of the City-owned lands adjacent to the alleyway should be resolved prior to the alleyway improvements.

EXPLANATORY NOTE

A public meeting was held to facilitate discussion and receive submissions concerning this matter, which includes roadway widening, alleyway location, front yard setbacks and disposition of City-owned lands on Locke Street South between Main Street and King Street.

for **A. L. Georgieff, M.C.I.P.**
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

Costs and revenue associated with not widening the roadway:

- Estimated costs of $76,000 to $100,000 for upgrading the alleyway. (See Alleyway analysis, later in this report).
- Possible revenue from sale of 20 ft. by 500 ft. strip of City-owned lands at rear of Locke Street properties to adjacent owners.

Costs associated with widening the roadway:

- Cost of approximately $91,000 (1990 dollars) in addition to the cost of reconstructing the roadway.
- Estimated costs for upgrading alleyway of $76,000 to $100,000, as above.
- Likely costs of acquisition of three corner commercial properties.
- The front 21 ft. of properties along Locke Street would be dedicated at no cost, at the time of redevelopment. The 20 ft. strip of City-owned lands at the rear could be provided to owners in exchange for the widening.

BACKGROUND

Study Area

The section of Locke Street South between Main Street West and King Street West is located in the Strathcona Neighbourhood. This section is a two lane, one-way northbound street with a paved width of 23 ft. and a road allowance of 33 ft. To the north and south, Locke Street is two-way. Map 2, attached, shows the study area.

The existing homes on Locke Street in this section are mainly single family. There are retail and similar commercial uses along the Main and King Street frontages.

There is an existing 12 ft. wide assumed alleyway to the west of Locke Street, which is partially surfaced but mainly unimproved. Immediately to the west of this, there is a 20 ft. wide strip of City-owned land.

Issues

The major issue to be resolved is whether or not this section of Locke Street should be widened.

Related to the road widening issue are the following:

1) Front yard setback of new development;

2) Alleyway upgrading and location; and,

3) Disposition of rear City-owned lands.

History

In summary, the history of the roadway widening issue is as follows:

- The Strathcona Neighbourhood Plan, approved in 1972, called for the widening of Locke Street between Main and King to a 66 ft. road allowance.

- The block west of Locke Street was designated "Commercial and Apartments" in the 1972 original neighbourhood plan.

- This designation was amended to "Single, Double and Attached Housing" in 1980, after it was determined that the medium density mixed-use area would not materialize on Locke Street.

- A 20 ft. wide strip of City owned land has been retained midway between Locke and Margaret since 1980, to allow for a land exchange when the widening occurred.

- The Transport and Environment Committee in 1982 requested the Planning and Development Committee to review the proposed road allowance of 66 ft., and prepare regulations to ensure appropriate setbacks. Therefore the Planning and Development Department has been requested to make recommendations on this matter.

- Several applications for redevelopment have been received for vacant lots on the west side of Locke Street. These applications have been deferred until the widening issue is resolved.

- A report was prepared by the Planning and Development Department, outlining the issues related to the roadway widening, front yard setbacks and alleyway and recommending that a public meeting be held (approved at the Planning and Development Committee meeting of September 28, 1988).

- A public meeting was held on November 20, 1989. The submissions received as a result of the public meeting are summarized in the following section.

SUBMISSIONS FROM THE PUBLIC*

Opposed to the roadway widening were:

- All except one of the 50 residents present at the public meeting;

- 55 residents of Locke Street and the immediate vicinity who completed a questionnaire provided at the public meeting;

- 92 residents of Locke Street and vicinity who signed a petition; and,

- 43 residents who signed a letter circulated by citizens.

Some residents completed more than one of the above. When duplicate responses are eliminated, the total number of residents opposed is approximately 118. Map 3, attached, shows the location of the submissions.

Those residents opposed to the roadway widening expressed the following concerns and comments:

- The traditional residential area along the street, which provides affordable housing, should be preserved. The widening could not take place without the long term demolition and rebuilding of all homes on the west side of the street;

- Low traffic volumes are well served by existing lanes on Locke Street and alternative streets;

- The existing residential character and sense of community of the area would be destroyed; and

- There is a greater need for the existing residential area, than for the roadway widening.

---

*FOOTNOTE:

The following background information is available upon request from the Committee Secretary:

- Report to Planning and Development Committee requesting authorization for public meeting;
- Minutes of the public meeting; and,
- Submissions and comments from the public, including questionnaires, petitions and letters.

In favour of the roadway widening were:

- 37 citizens from within and beyond the study area who signed a petition.

Those residents in favour of the roadway widening expressed the following:

- There is a need for a wider, two way road to connect Aberdeen Avenue and York Boulevard, to serve through traffic for the wider area.

STAFF COMMENTS

The following comments are derived from discussions between staff of affected departments concerning the issues.

These issues revolve primarily around the relative importance of traffic system improvement, and the preservation of affordable housing and residential amenity.

Traffic Department

- Recommends that the proposed widening remain in the Strathcona Neighbourhood Plan but that the current road allowance requirement of 66 ft. be reduced to 54 ft. in order to protect the option of converting this section of Locke Street into a two-way roadway with on-street parking facilities;

- States that this section of Locke Street is a weak link in the overall roadway system because of the one-way operation and lack of accommodation for southbound traffic, which is diverted to Margaret Street;

- Notes that the widening is not needed at the present time, but may be clearly needed in 10 to 20 years, and that therefore the option of widening the street should be protected, and any new infill should be set back accordingly;

- Notes that the widening would be done at the time of roadway reconstruction to minimize additional costs for the widening;

- Indicates that the intersection of Main and Locke Streets is substandard, and accidents have occurred due to turning vehicles;

- States that widening the roadway only at the intersections at either end would provide an offset road alignment and substandard turning lanes. Therefore, recommends the widening of the roadway to four full lanes, two of which could be utilized for on-street parking;

- Recommends that acquisition of property for the road widening be done by means of dedication, at the time of redevelopment; and,

- Notes that the rear alley should be relocated 20 ft. further to the west, onto available City-owned lands, in order for lots of approximately 99 ft. depth to be available for redevelopment, when the widening is carried out.

Engineering Department

- States that the roadway widening should take place in the future, to provide a two way, four lane roadway;

- Notes that property for the widening would be acquired through redevelopment, in the long term, e.g. 10 to 20 years, if necessary;

- Indicates that the present alleyway could be upgraded and paved at a cost to the residents of $90 per metre of frontage, or could be graded and covered with gravel;

- Indicates that the alley could also be relocated 20 ft. further to the west and surfaced with gravel or paved; and,

- Notes that drainage improvements may be made to the alleyway, if it is upgraded, to resolve existing drainage problems.

Real Estate Department

- Estimates that the current cost of property acquisition for the widening would be at least $2 million for acquiring the residential properties on the west side of the street. However, it is noted that the outright acquisition of these residential properties is not recommended by other departments, but rather the dedication of only the front 21 ft. at the time of redevelopment, in exchange for 20 ft. at the rear, at no cost to the City;

- Notes that the three commercial properties which would likely need to be acquired, at the north and south ends of this section of Locke Street, would be an additional expense. Estimated cost figures for these have not been provided, for reasons of confidentiality, but would likely be significant; and,

- Supports disposing of any surplus City-owned rear lands, to abutting property owners, only after the highest and best use of these lands is established.

The other municipal departments had no comment.

ANALYSIS

PLANNING COMMENTS

Traffic

- Widening Locke Street would accommodate more through traffic in two directions and provide a stronger overall movement pattern. A policy for widening would keep this option open.

- Widening would result in the disruption of a relatively quiet street with more noise and a less comfortable pedestrian environment.

- The existing traffic volumes are relatively low, although higher than other local streets. No traffic volume projections have been done which predict significant increases in traffic volumes. It is uncertain whether or when the roadway widening will be required, based on traffic volumes.

- Through traffic does not appear to be a problem on adjacent local streets. There are arterial roads nearby which may serve much of the through traffic, such as Dundurn and Queen Streets. Traffic could be diverted around a neighbourhood.

- Few, if any, accidents are caused by the existing street width. Some accidents have occurred at the intersection of Main and Locke Streets due to the narrow turning radius and poor roadway alignment. However, most accidents occurred for other reasons such as ignoring traffic signals. If the number of accidents at this intersection are considered significant, perhaps other solutions could be considered, such as the redesign of the intersections only, without requiring the widening of the whole street.

Streetscape

- The streetscape and appearance of the existing homes within this section of Locke Street has a pleasing visual character, since houses are generally in good physical condition, well-maintained, and are set back a fairly similar distance from the street averaging about 10 ft.

- If the roadway is widened, there would be widely varied setbacks for the existing homes and new homes, differing by up to about 30 ft. This would create a confused street appearance for many years until the road widening is eventually built, and intrusion of building views into backyards for Locke Street residents.

- The houses are interesting from a historical point of view, given that some are listed on the Inventory of Buildings of Architectural and/or Historical Interest. The LACAC Research Subcommittee is opposed to the demolition of the buildings which would be eventually required to widen the street.

Affordable Housing

- Affordable housing is provided for many families by the homes on Locke Street. The west side of the street includes 13 buildings, containing 8 owner-occupied dwellings and 12 rental units. These units are generally affordable and they are also located close to commercial uses, transit, etc. All of these units would be demolished and more expensive houses built if the road widening took place, as they are located close to the roadway.

Planning Blight

- The road widening project is not contained in the Capital Budget, even as a long term project. Therefore, no commitment has been made to budget funds for this project, in the next five years which has been in the Neighbourhood Plan since 1972. There have been opportunities to assemble land for widening in the past but this has not been a priority.

- A widening policy may adversely affect the maintenance and value of the properties along the street over a very long period of time.

Change in Plans

- The 1972 Neighbourhood Plan, which contained the road widening policy, also envisaged high density mixed commercial and residential redevelopment in the block bounded by Main, Locke, King and Margaret. The Margaret Street portion has been developed for townhousing and low density development is planned for the Locke Street frontage. Therefore, less traffic can be expected.

Costs

- Acquisition of housing is assumed to be at no cost since, at the time of redevelopment, the land for road widening would be exchanged for City-owned land at the rear of the property.

- The cost of the widening would be approximately $100,000 which would be added to the cost of roadway reconstruction when this is required.

- The cost of acquiring three corner commercial properties is likely to be significant.

- The upgrading of the alleyway, which is recommended, would cost approximately $76,000 to $100,000.

- If the roadway were not widened, the only costs would be for upgrading the alleyway.

Public Opinion

- The residents of the area are generally opposed to the road widening.

IMPLICATIONS OF NOT WIDENING THE ROADWAY

Zoning By-law

- The zoning by-law would require amendment to permit the redevelopment of vacant lots on the west side of Locke Street, such as the three lots which are currently vacant. Section 4.(3)(b) of the zoning by-law presently states that a lot for residential purposes must be located adjacent to a public highway of a width of 40 ft., whereas Locke Street has a road allowance of 33 ft.

- Front yard setbacks of 3.0 m (10 ft.) would be required for the west side of Locke Street, to ensure setbacks similar to these for the existing homes, rather than the 6.0 m (20 ft.) permitted in the existing by-law. Rear access only to new development in this section would also be required, by means of the alleyway, due to the lack of space at the front of new dwellings for driveways.

Rear Alleyway

- It is desirable that the rear alleyway be upgraded, by means of either gravel or pavement, in order to provide access to rear parking for new houses. At present, the alley is in poor condition and does not provide an adequate access. It could be improved by means of grading and the addition of gravel, at a cost of approximately $26,000, plus an additional cost of $50,000 for storm sewers and catch basins, should this be necessary, if the owners request this of the Public Works Department. Alternatively, the alley could be levelled and paved, at a total cost of approximately $100,000, including drainage improvements. A portion of the cost or about $38,000 would be charged back to the owners, at the rate of $90 per metre of property frontage. This would provide a higher-quality, lower maintenance alley.

- Several other options also exist for the alleyway, such as relocating it 20 ft. further to the west, if the roadway is to be widened, disposing of the 20' strip of City lands to adjacent owners, etc. This matter should be resolved with the input of the area residents. At the public meeting held concerning the road widening, more people were opposed to than in favour of the relocation of the alley, although some were concerned that a relocated alley might also mean approval for the road widening or new homes with greater setbacks. Several residents also stated that the alley receives little use at present, and that it should not be moved or improved. The existing alley was also cited as producing problems such as water runoff onto properties due to inadequate drainage.

- The City does not normally initiate alley improvements or relocations, but rather responds to requests from residents. It is normally up to the residents to initiate any improvements. However, the availability of a good quality alleyway is important to new development, and it is desirable for the Engineering Department to depart from standard procedures and initiate this process. This matter requires referral to the Transport and Environment Committee.

CONCLUSIONS

The benefit of improved traffic circulation through widening for this section of Locke Street is outweighed by the following points:

- The homes on the west side of the street, which provide 20 affordable housing units, would all have to be demolished, and rebuilt at deeper setbacks over time, for the widening to occur;

- There has been no comprehensive study done to determine the need for the roadway, in terms of existing or projected traffic volumes;

- Alternatives to the widened roadway exist, such as the use of other roadways;

- The density of development in the area has been lower than anticipated in the original neighbourhood plan;

- The roadway widening is not included in the Capital Budget, so that no financial commitment has been made;

- Acquisitions of portions of the widening could be carried out over many years, undermining the street's appearance and housing condition during that time, and prolonging the uncertainty which has already existed concerning the widening for many years; and,

- The local residents generally oppose the widening.

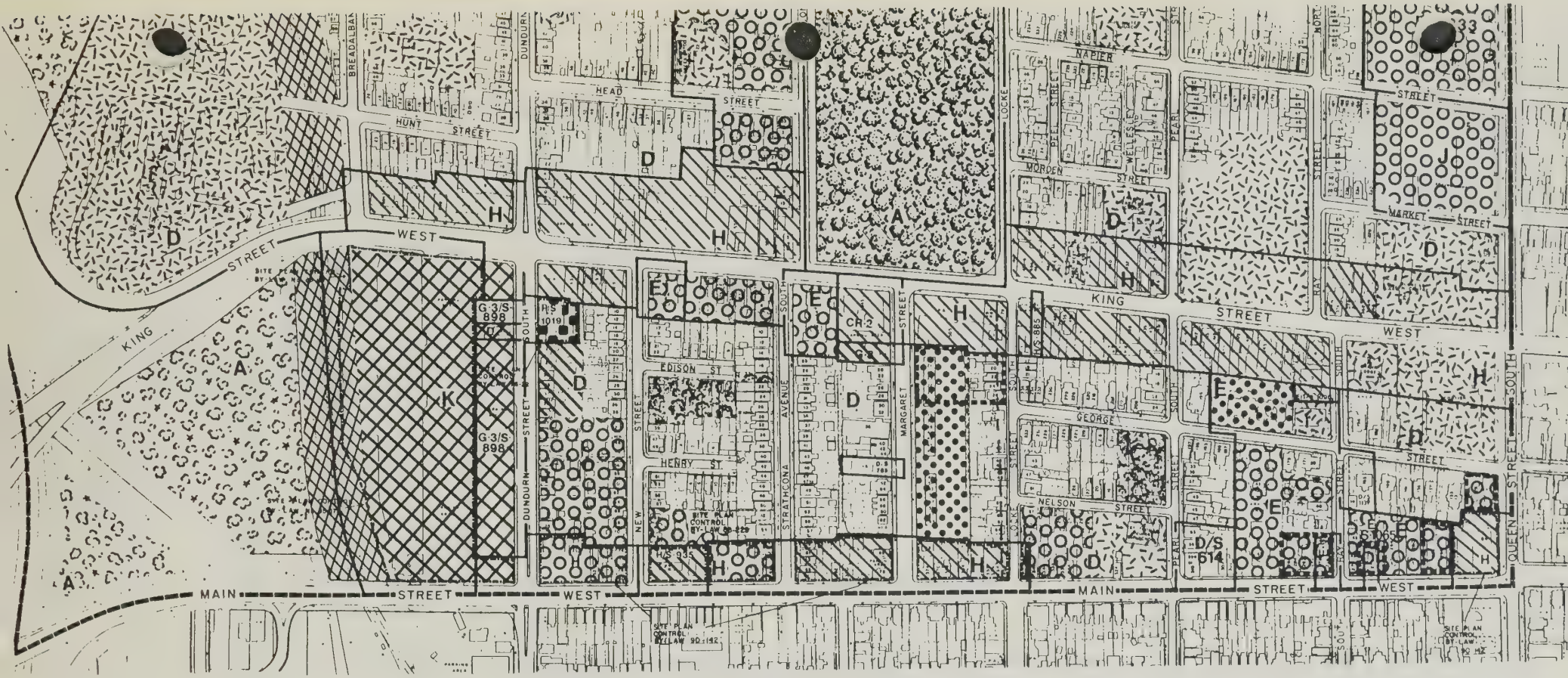
Therefore, notwithstanding the traffic system considerations, it is concluded that the roadway should not be widened, and that the following actions be carried out:

- An amendment to the Strathcona Neighbourhood Plan, to delete the designated widening of Locke Street between Main Street and King Street;

- An amendment to the zoning by-law to provide the necessary reduction in front yard setbacks and requirement of rear access for this section of Locke Street; and,

- The upgrading of the rear north-south alleyway between Locke and Margaret Streets.

VG:ns/dkp
A:\STRATHCO



NOTE: This is a **GUIDE PLAN** only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

Refer to City Council Minutes Date: June 24,1980.

EXISTING POPULATION (1988) 7513

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

- Neighbourhood Boundary
- Zoning Boundary

Approvals

Planning Committee AUG. 31,1972 Council AUG. 31, 1972.

Latest Revision Date SEPTEMBER 19,1990.

CITY OF HAMILTON
PLANNING DEPARTMENT

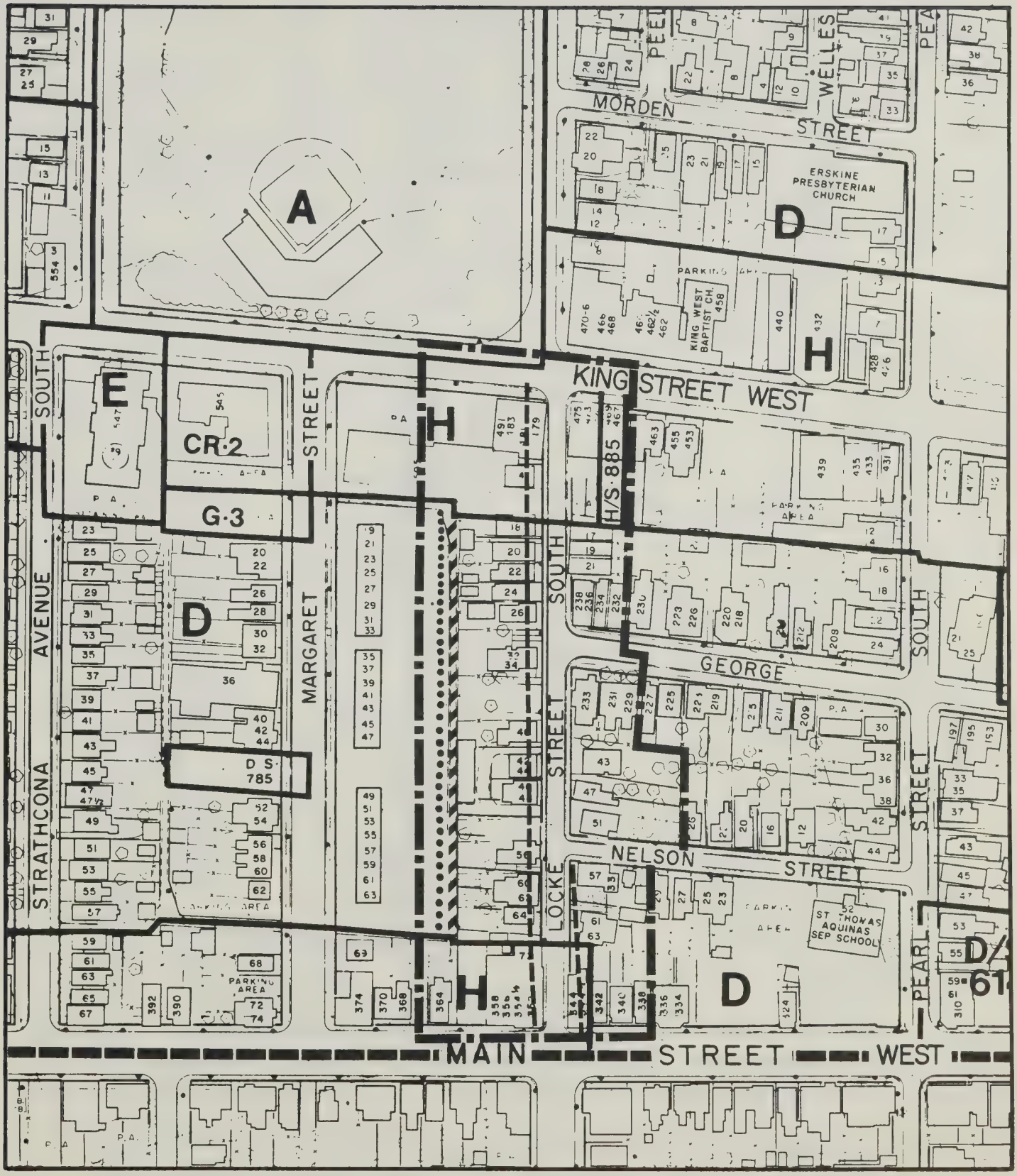
MAP 1
STRATHCONA

APPROVED PLAN EXTRACT

NORTH
0 100 m
SCALE 50 m

127

MAP 1



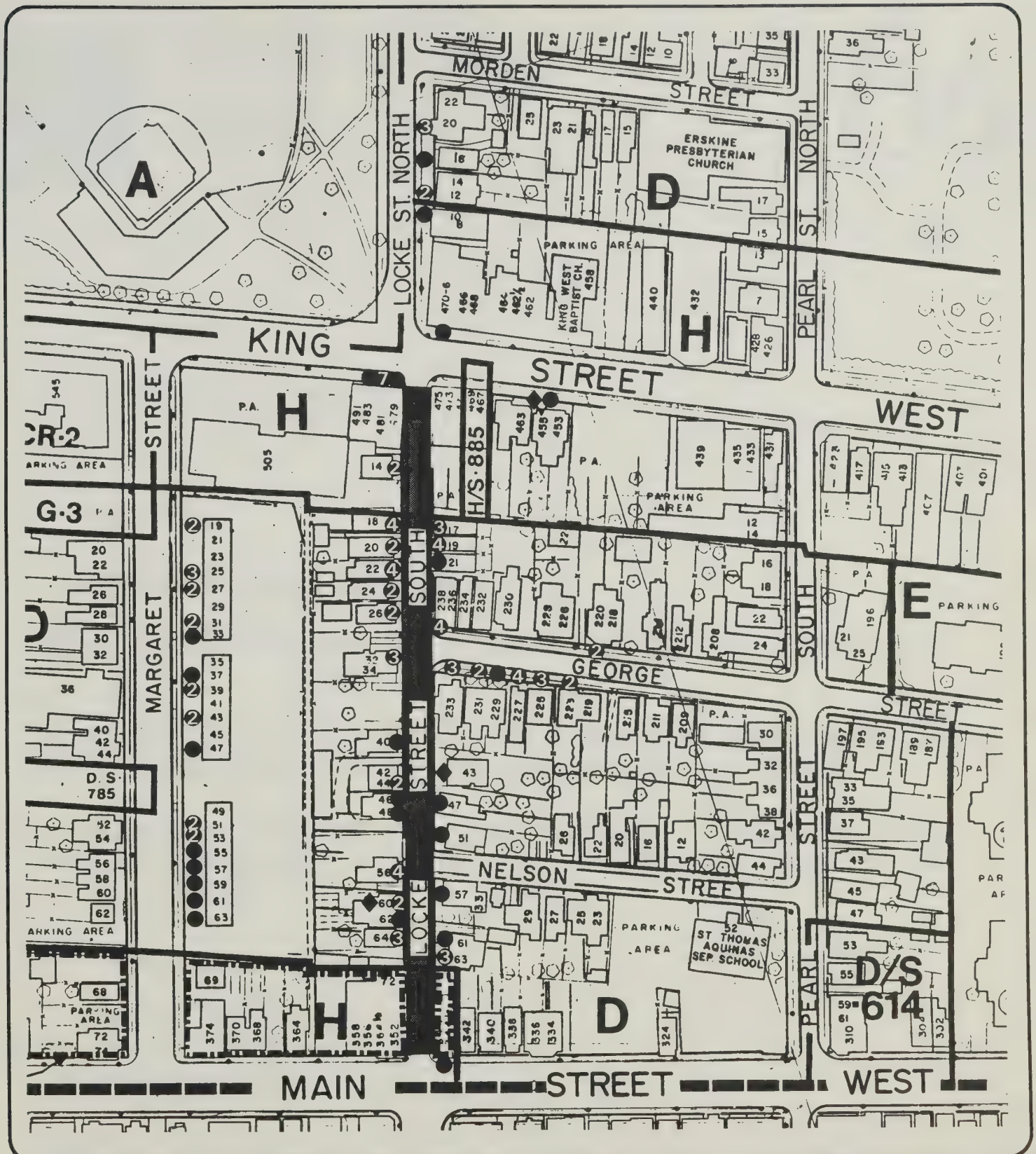
Locke Street Study Area

MAP 2

Legend

- Study Area
- Possible road widening
- Existing alley
- Possible relocated alley

MAP 2



MAP 3

Submissions for Proposed

Locke Street South Widening

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

- Location of proposed street widening
- ● Petitioners - opposed to street widening (number in white represents multiple opponents at the same address)
- ◆ Petitioners - supporting street widening

- 6 Petitioners opposed to street widening are off the map
- **118 Petitioners in total opposed to street widening**
- 34 Petitioners supporting street widening are off the map
- **37 Petitioners in total supporting street widening**

MAP 3

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
71 Main Street West, Hamilton, Ontario L8N 3T4

FAX NO. 546-4202

16a.

October 12, 1990

P5-2-127

Refer to File No.
Attention of
Your File No.

Susan K. Reeder
Secretary
Planning and Development Committee
City Clerk's Department
City Hall, Hamilton

OCT 16 1990

Dear Ms. Reeder:

Re: Locke Street Widening Issue - Petitions

Attached are two (2) petitions from residents of the Locke Street area concerning the widening issue.

It was requested by the residents that the petitions be circulated to members of the Planning and Development Committee when the matter is brought forward to the Committee.

A public meeting is being held on this matter at the October 24 Committee meeting. Accordingly, could you please circulate these petitions to all members of the Committee and the Ward Aldermen.

Yours truly,

David Godley
for A. L. Georgieff, M.C.I.P.
Director of Local Planning

ALG:mc
Attach.

A:\NEIGH.GEN

JAN 05 1990 Original - Planning Dept.

PETITION TO CITY HALL

DATE: December, 1989

CONTACT: Mrs. M. Holubeshen
(Mrs. L. Peart)

Phone : 526-9774

For Your Information:

We, the undersigned, live in the Strathcona Neighbourhood area. We are aware that there is a proposed widening of Locke Street, between King and Main Streets, on the Strathcona Neighbourhood Plan. We know that the Planning and Development Department prepared a Report in 1988, and it recommends that the Neighbourhood Plan be amended to remove the road widening from the Plan. We support this Report's recommendation and we are opposed to the widening of Locke Street.

SIGNATURE	Print Name	ADDRESS	PHONE (optional)
W. Pickett	W. Pickett	63 Margaret St	521-0353
Helen Middleton	M. MIDDLETON	61 Locke St S	528-2713
Helen Hajnal	H. Hajnal	40 Locke So	—
in behalf of J. Galbay	J. GALBAY	238 GEORGE ST. & LOCKE	572 9146
Kenneth H. Post	Kenneth H. Post	220 George St.	5290617
Rebecca Post	Rebecca Post	220 George St.	529-0617
Brian Nason	BRIAN NASON	20 Locke St N	522-5583
Ian Sweeting	Ian Sweeting	179 Napier St.	529-0552
Eva Dominguez	EVA DOMINGUEZ	179 NAPIER STREET	525-0784
J. Cross	JEAN CROSS	231 GEORGE ST	—
Linda Peart	LINDA PEART	20 Locke St S.	528-8263
Roy Peart	ROY PEART	20 Locke St S.	528-8263
David Leslie	DAVID LESLIE	22 Locke St	✓
Dawn Chowan	DAWN CHOWAN	"	
Stephen Gardonyi	STEPHEN GARDONYI	"	572-7231
Angelina Van Gerwat	ANGELINA VAN GERWAT	"	"
Laura Donahue	LAURA DONAHUE	24 LOCKE S.	✓
Bert Vienotte	BERT VIENOTTE	44 Lock S.	P.T.O.

Ralph Lidrew	46 Locke St. S	RAIPH LE))REW
Karen Parker	48 Locke St. S.	KAREN PARKER
Dale Dickenson	74 Ray St. N	Dale Dickinson
Rose Bertasson	60 Locke St. S.	Rose Bertasson
Tricia Gerrior	60 LOCKE ST S.	TRICIA GERRIOR
Rob Tiessen	63 Locke St. S.	Rob Tiessen
Darren Lediard	63 Locke St. S	Darren Lediard
Cheryl Hozjan	19 Margaret St	CHERYL HOZJAN
Cheryl Buckley	61 Margaret St.	CHERYL BUCKLEY
M. Athulathmudali	344 Main St. W.	Mel Athulathmudali

PETITION TO CITY HALL

DATE: December, 1989
CONTACT: Mrs. M. Holubeshen
(Mrs. L. Peart)
Phone : 526-9774

For Your Information:

We, the undersigned, live in the Strathcona Neighbourhood area. We are aware that there is a proposed widening of Locke Street S. between King and Main Streets, on the Strathcona Neighbourhood Plan. We know that the Planning and Development Department prepared a Report in 1988, and it recommends that the Neighbourhood Plan be amended to remove the road widening from the Plan. We support this Report's recommendation and we are opposed to the widening of Locke Street.

SIGNATURE	Print Name	ADDRESS	PHONE (optional)
Pegnina Capobianco	Dianna Capobianco	479 King St W.	527-5231
Charles Messina	CHARLES MESSINA	483 King W.	
Antonio Vigan	Antonio Vigan	483 King W.	
Dianne Greenan	Dianne Greenan	481 King St. apt. 2	5240392
Park Tavern	Park Tavern	470 King St. West	528-1487
Harry Sarrow	HARRY SARROW	481 King St West	
John McCallum	John McCallum	223 George St.	525-8304
Kathy McCallum	Kathy McCallum	223 George St.	525-8304.
Susan Ivanovics	SUSAN IVANOVICS	227 George St.	[redacted]
Kay Boadle	KAY BOADLE.	227 George St.	
Shawn O'Neill	Shawn O'Neill	227 George St.	529-9442
Karen Silke	Karen Silke	56 Locke St S.	529-5533
Phyllis Walters	Phyllis Walters	56 Locke St. S.	5295533
Thomas E. Walters	Thomas E. Walters	56 Locke St. S.	528-3970
Kim Johnson	KIM JOHNSON	62 Locke St. S.	529553
Randy Walters	RANDY WALTERS	56 LOCKE ST S	525 7138
		64 LOCKE ST. S.	
Mark A. Brown	Mark A. Brown	225 George St.	523-5201
Maggie Brown	Maggie Brown	225 George St.	523-5201
Marjida Holubeshen	Marjida Holubeshen	18 Locke St. S.	526-9774
Ann Holubeshen	ANN HOLUBESHEN	18 Locke St. S.	526-9774
John Holubeshen	John Holubeshen	18 Locke St S.	526-9774
Madeleine Chin	Madeleine Chin	21A Locke St S	528-9010

P.T.O.

Signature	Name	Address	Phone (optional)
Victor Chim	Victor Chim	26 Locke St South	523-8105
Steve McLaughlin	Steve McLaughlin	47 Locke St. S.	524-2760
John Haas		18 LOCKE ST. N.	572-9912
Irmgard Haas		"	"
Laurine Quinlan		11 Peel ST.	52755506
Russ WILLSHER		10-10 LOCKE ST.N.	521-5684
Ken	Ken Cheng	12 Locke St N.	5282565
Joe Cassela		63 Locke St. S.	—

PETITION TO CITY HALL

DATE: December, 1989

CONTACT: Mrs. M. Holubeshen

Phone : (Mrs. L. Peart) 526-9774

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SIGNATURE	Print Name	ADDRESS	PHONE (optional)
Wilma Bates	Wilma Bates	32 Locke St So	—
Donald Bates	DONALD BATES	32 LOCKE ST SO.	—
Kevin Bates	KEVIN BATES	32 LOCKE ST. SO	—
Margaret Miller	MARGARET MILLER	25 MARGARET ST.	521-1660
Bruce Miller	Bruce Miller	25 Margaret St.	—
Bob Cowling	BOB COWLING	27 Margaret St.	527-5922
Sophia Cowling	Sophia Cowling	27 Margaret St	—
Beth Benoit	BETH BENOIT	31 MARGARET ST.	522-3351
Ron Benoit	RON BENOIT	31 Margaret St	"
[illegible]	Gord Banks	35 Margaret St	525-[illegible]
[illegible]	JB ELLIS on 17th	37 MARGARET	522-[illegible]
[illegible]		39 Margaret St	522-0192
Linda Langley	L. LANGLEY	39 Margaret St	522-0192
P. Garrick	P. GARRICK.	39 Margaret St.	522-0192
Darren Pike	DARREN PIKE	43 MARGARET ST.	526-7319
Debbie Pike	Debbie Pike	43 Margaret St	526-7319
Chris Hasler	Chris Hasler	47 Margaret St	526-8006
Karen Sutton	Karen Sutton	51 margaret st.	529-1037
Larry Greenhalgh	Larry Greenhalgh	51 Margaret St	529-1037
Douglas Harwood	Doug Harwood	53 Margaret St	—
Sharon Harwood	Sharon Harwood	53 Margaret St.	—
[illegible]	Robert Parker	55 MARGARET ST	525-[illegible]
[illegible]	TANGIO!!	57 Margaret St.	—
[illegible]	J. DAVIES	61 Margaret St	— [redacted]

Original = Planning Dept

December 18,1989

Subject: Amending the Strathcona Neighbourhood Plan to remove references of the widening of Locke Street between King and Main streets.

Dear City Council Member:

We are writing to express our concern about the potential road widening of Locke Street, and the subsequent destruction of our neighbourhood. We adamantly oppose any street widening and recommend that the Strathcona Neighbourhood Plan be amended to remove this issue.

This street is primarily residential in nature. It contains at least forty separate housing units. It is an established neighbourhood with unique characteristics. Many cultures interact and blend to create a community in the inner city area. If there is any road widening, this sense of community will be destroyed, as was witnessed by the widening of York Boulevard.

The high cost of widening this street is not justified where there is questionable benefit regarding transportation improvement. There is no identified and proven need for road widening in terms of traffic flow or road capacity problems. There are several other alternate north-south routes for motorists. It is high time to consider people-needs over transportation-wants.

The attached 1988 report prepared by the City's Planning and Development Department, outlines some reasons why road widening does not make sense economically, functionally, and most of all, residentially. The very existence of road widening on an official neighbourhood plan has been a disincentive and a deterrent to housing development and improvement for many years.

In the aforementioned Report, six out of seven City and Regional Departments recommended the removal of road widening from the Neighbourhood Plan. We fully support this recommendation. It will encourage land development and increase the number of residential housing units in the inner city. This will preserve the neighbourhood and give a clear signal to residents to continue making home improvements. In turn, it will cement residents' committment to upgrade the neighbourhood.

We urge you to read the city's Report, and to make a fair and informed decision.

Sincerely, the undersigned residents of Locke Street and adjacent streets

NAME	ADDRESS	SIGNATURE
BRIAN NASON	20 Locke St North	Brian Nason
Ian Sweeting	179 Napier St.	Ian Sweeting
Eva Dominguez	179 Napier Street	E. Dominguez
[illegible]	231 GEORGE ST -	JOAN CROSS
Roy Peart	20 LOCKE ST.S.	ROY PEART
Linda Peart	20 LOCKE ST. S.	LINDA PEART

c.c. Mayor Robert Morrow, City of Hamilton ; Planning and Development Dept.
Dr. Richard Allen, M.P. Locke Street Office

SIGNATURE	PRINT NAME	ADDRESS

December 18, 1989

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We urge you to read the city's Report, and to make a fair and informed decision.

Sincerely, the undersigned residents of Locke Street and Adjacent Streets:

NAME	ADDRESS	SIGNATURE
[illegible]	17 LOCKE ST S	G. DIXON
[illegible]	481 ~~KING ST. E~~ @ KING & LOCKE	[illegible]
[illegible]	19 Locke St S	[illegible]
[illegible]	235 George St	[illegible]
[illegible]	238 George St	L. Nichalls
[illegible]	233-1 George St	J Adams
[illegible]	233#4 George St	[illegible]
[illegible]	3-231 George St	[illegible]
Mark Brown	225 George St.	[illegible]

Attachments

c.c. Mayor Robert Morrow, City of Hamilton
Planning and Development Department, City of Hamilton
Dr. Richard Allen, M.P.P. - Locke Street Office

P.T.O.

PRINT NAME	ADDRESS	SIGNATURE
John Holubeshen	18 Locke St. S.	John Holubeshen
Moufida Holubeshen	18 Locke St. S	Moufida Holubeshen
ANN HOLUBESHEN.	18 LOCKE ST S	Ann Holubeshen
M. Athulathmudali	344 Main W.	M. Athulathmudali

December 18,1989

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Sincerely, the undersigned residents of Locke Street and adjacent streets:

NAME	ADDRESS	SIGNATURE
RANDY WALTERS	56 LOCKE	Randy Walters
Thomas E. Walters	56 Locke	Thomas E. Walters
Phyllis U. Walters	56 Locke	Phyllis Walters
Clara Pearl Walters	56 Locke	Clara P Walters
Kim Johnson	62 Locke St.	Kim Johnson
[illegible]	[illegible] Locke St.	[illegible]
[illegible] McCallum	223 George St	[illegible]
Kay Boutet	227 George St.	[illegible]
Thom [illegible]	229	[illegible]
S. Ivanovics	227 George St #1	[illegible]

Attachments

c.c. Mayor Robert Morrow, City of Hamilton
Planning and Development Department, City of Hamilton
Dr. Richard Allen, M.P.P. - Locke Street Office

P. T. O.

Dawn Chowan	22 Locke St.	
Stephen Gardiner	22 LOCKE ST.	STEPHEN GARGONTI
Angeline Vanbremert	22 Locke St	Angeline Vanbremert
LAURA DONAHUE	24 LOCKE S	Laura Donahue
BERT VIENOTTE	44 LOCKE S	Bert Vienotte
Ralph LeDrew	46 Locke St South	RALPH LEDREW
Karen Parker	48 LOCKE ST. S	KAREN PARKER
Rose Bertasson	60 Locke St S	Rose Bertasson
	60 LOCKE ST S.	
Darren Ledrew	63 Locke St S	DARREN LEDREW
Rob Tiesen	63 Locke St. S.	Rob Tiesen
Cheryl Hozen	19 Margaret St	CHERYL HOZTHAN
	61 Margaret St	

17.

FOR ACTION

TO: SUSAN K. REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: September 28, 1990
COMM FILE:
DEPT FILE: 25T-87040

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: Revision of a condition to a proposed Draft Plan of Subdivision

RECOMMENDATION:

That approval be given to amend the draft approved condition k) for "Eaglewood Manor", 25T-87040, Registered Plan 62M-622 by deleting Block "22" from condition k); which now reads as follows:

k) That Blocks "17" to "21" inclusive and Blocks "30" and "31" be developed only in conjunction with abutting lands.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

A. L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

456941 Ontario Limited, c/o F. Silvestri, Hamilton, Ontario

Surveyor:

A. J. Clarke and Associates Ltd., Hamilton, Ontario

Location:

The lands, comprising 1.535 ha, are located on the north side of Rymal Road East and the west side of Upper Gage Avenue in the Eleanor Neighbourhood, City of Hamilton.

Requested Revision:

The surveyor of the owner wrote on behalf of the owner and requested that condition k) be amended to allow Block "22" to be utilized as a building lot.

History:

This plan of subdivision was draft approved on February 16, 1988 by Regional Council and was subsequently granted final approval by the Regional Chairman on June 22, 1989. The plan was registered on July 6, 1989 as Registered Plan 62M-622.

The owner, as requested in condition k), attempted to buy sufficient land from the adjoining property owner. The surveyor advised that the owner was not successful in obtaining a commitment for the sale of land (Appendix "A").

In a memorandum the Building Department requested that condition k) be amended (Appendix "B").

COMMENTS:

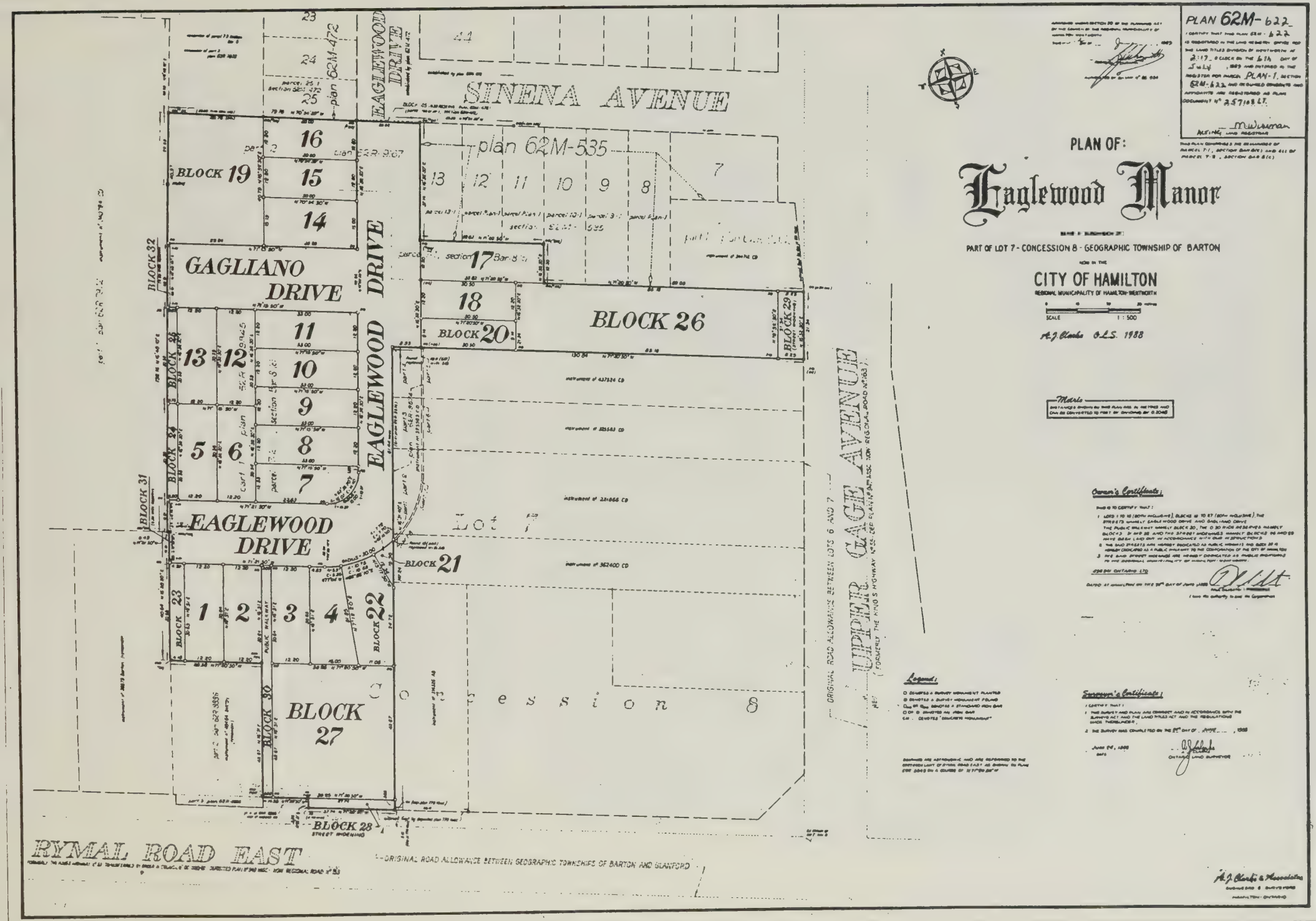
1. The revision to condition k) deletes only Block "22" so that Block "22" would not have to be joined with abutting lands.

2. The Regional Department of Engineering has no objection to the use of the block as a building lot for a single-family dwelling (Appendix "C").

3. Block "22" has an average width of 12.0m and an area of 434.54m^2 and it meets the zoning requirements for the width and area for a lot in the "C" (Single-family) Residential District.

JLS/jd
ACTN87.040

25T-87040



PLAN 62M-622

I CERTIFY THAT THIS PLAN 62M-622 IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF WENTWORTH AT 2:17 O'CLOCK ON THE 6th DAY OF July, 1989 AND ENTERED IN THE REGISTER FOR PARCEL PLAN-1, SECTION 62M-622 AND ITS GIVEN SYMBOLS AND AUTHORITIES ARE REGISTERED AS PLAN DOCUMENT No. 257168 LT.

M.W. Lisman
LAND REGISTRAR

THIS PLAN COMPRISES THE BOUNDARIES OF PARCEL 7-1, SECTION 62M-622 AND ALL OF PARCEL 7-2, SECTION 62M-622

PLAN OF:

Eaglewood Manor

PART OF LOT 7 - CONCESSION 8 - GEOGRAPHIC TOWNSHIP OF BARTON

NOW IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1 : 500

A.J. Clarke O.L.S. 1988

Marks
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

Owner's Certificate

THIS IS TO CERTIFY THAT:

1. LOTS 1 TO 10 (BOTH INCLUSIVE), BLOCKS 12 TO 27 (BOTH INCLUSIVE), THE STREETS WHOLLY EAGLEWOOD DRIVE AND GAGLIANO DRIVE THE PUBLIC WALKWAY WHOLLY BLOCK 30, THE 0.30 RESERVES MAINLY BLOCKS 31 AND 32 AND THE STREET WIDENINGS MAINLY BLOCKS 28 AND 29 HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS
2. THE SAID STREETS ARE HEREBY DEDICATED AS PUBLIC HIGHWAYS AND BLOCK 30 IS HEREBY DEDICATED AS A PUBLIC WALKWAY TO THE CORPORATION OF THE CITY OF HAMILTON
3. THE SAID STREET WIDENINGS ARE HEREBY DEDICATED AS PUBLIC HIGHWAYS TO THE SAID REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

[illegible] ONTARIO LTD

DATED AT HAMILTON ON THIS 30th DAY OF June 1988

I HAVE THE AUTHORITY TO BIND THE CORPORATION

Legend:

- ○ DENOTES A SURVEY MONUMENT PLANTED
- ● DENOTES A SURVEY MONUMENT FOUND
- ○ OR ● DENOTES A STANDARD IRON BAR
- ○ OR ● DENOTES AN IRON BAR
- CC. DENOTES CONCRETE MONUMENT

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERLY LIMIT OF RYMAL ROAD EAST AS SHOWN ON PLAN 62M-535 AS A BEARING OF N 17°30'30" W

Surveyor's Certificate

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER.
2. THE SURVEY WAS COMPLETED ON THE 8th DAY OF APRIL, 1988

June 24, 1988
DATE

A.J. Clarke
ONTARIO LAND SURVEYOR

A.J. Clarke & Associates
SURVEYORS & ENGINEERS
HAMILTON - ONTARIO

APPENDIX "A"

A. J. Clarke and Associates Ltd.

ONTARIO LAND SURVEYORS - CONSULTING ENGINEERS

SUITE 125 - 155 JAMES STREET SOUTH
HAMILTON, ONTARIO
L8P 3A4

A. J. CLARKE, O.L.S.
B. J. CLARKE, B.Sc., O.L.S.

TELEPHONE (416) 528-8761
TELEFAX (416) 528-2289

A. J. IRANI, M.S. (CIVIL), P.ENG.
CLAUDIO GIAMMARCO, P.ENG.

Aug. 28, 1990

Regional Municipality of Hamilton-Wentworth
Planning & Development Department
119 King Street West
Hamilton, Ontario
L8N 3V9

REGIONAL PLANNING BRANCH
SUBDIVISION CONDOMINIUM ADMINISTRATION SECTION
FILE NO. 25T-87040
DATE RECEIVED SEP 05 1990

TO:	INT.	ACT.	INFO.
DIRECTOR/ DIV. HEAD			
MANAGER	JLS		
STAFF		Cwd	

Attn: Mr. J.L. Schwarz

Re: Eaglewood Manor, Plan 62M-622
Regional File No: 25T-87040

Dear Sir:

With regards to the conditions of draft plan approval for the above-noted project, condition (k) stated "that Blocks 17 to 22 inclusive and Block 30 and 31 be developed only in conjunction with abutting lands". We wish to advise you that the developer 456941 Ontario Ltd. has been attempting to buy sufficient land from the adjoining owner to create a lot from Block 22. The developer, through his broker Mario Salvatore of Salvatore Real Estate, made an offer to 483466 Ontario Ltd. to buy a triangular piece of land of approx. 116 m^2 at a rate of $191,883.66 per acre in order to complete a lot together with Block 22, but was unsuccessful. The neighbouring owner instead sold the whole property to Mr. Louis DiMillo in June 1990. Mr. Salvatore approached Mr. DiMillo and attempted to buy sufficient land to complete the development of Blocks 21 and 22 but to-date has been unsuccessful in obtaining a commitment.

On the basis of the above, we request you to amend condition (k) of the draft plan conditions to allow Block 22 to be utilized as a building lot since it meets all the zoning requirements.

We thank you for your anticipated co-operation in this matter. If you need additional information, please do not hesitate to contact this office.

Yours very truly,

Ardeshir J. Irani

A.J. Irani, P.Eng.
A.J. Clarke & Associates Ltd.

AJI:PW
copy - K.A. Brenner, P. Eng., RMHW
- Silvestri Investments
- Mario Salvatore

APPENDIX "B"

BUILDING DEPARTMENT

MEMORANDUM

TO:	J.L. Schwarz Subdivision Administration Planning and Development Department	YOUR FILE:	25T-87040
FROM:	W.K. Wong, Manager Plan Examination Building Department	OUR FILE: PHONE:	 546-2766
		DATE:	17 Sept. 1990
RE:	EAGLEWOOD MANOR REGISTERED PLAN 62M-622 LOT 22 AS A BUILDING LOT		

Further to your memo of September 10, 1990 regarding the above noted property I would comment as follows: -

Lot 22 must have a minimum width of 12.0 and a minimum lot area of 360m^2. The subdivision agreement (Schedule C, Section K) states that Lot 22 must be developed in conjunction with abutting lands. However, if otherwise approved a building permit could be issued.

W.K. Wong, P. Eng.,
Manager Plan Examination
WKW/GB/ggf

c.c. - E. Begg

REGIONAL PLANNING BRANCH			
SUBDIVISION CONDOMINIUM ADMINISTRATION SECTION			
FILE NO. 25T-87040			
DATE RECEIVED SEP 19 1990			
TO:	INT.	ACT.	INFO.
DIRECTOR/ DIV. HEAD			
MANAGER	JZS		
STAFF			

APPENDIX "C"

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4

Tel. (416) 546-4170
Fax (416) 526-6665

24. Sept. 90

Refer to File No. S705-23
Attention of P. Strong
Your file No.

September 21, 1990

TO: J.L. Schwarz
Subdivision and Condominium Administration
Planning and Development Department

FROM: K.A. Brenner, Engineering Department

RE: Eaglewood Manor, Reg'd Plan 62M-622
Request to allow Block "22" to be
Utilized as a Building Lot

Please be advised that all services have been provided and paid for by the developer for Block "22". Therefore we have no objection that it be utilized as a Building Lot for a single family residence.

K.A. Brenner

PS:rbo

25T-87040

PLAN 62M-622

I CERTIFY THAT THIS PLAN 62M-622 IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF WENTWORTH AT 2:17 O'CLOCK ON THE 6th DAY OF July, 1989 AND ENTERED IN THE REGISTER FOR PARCEL PLAN-1, SECTION 62M-622 AND IN LIBER(S) CONSENTS AND APPROVALS ARE REGISTERED AS PLAN DOCUMENT No. 251018 LT.

M Wiseman
LAND REGISTRAR

THIS PLAN COMPRISES ALL THE RE-MEMBERS OF PARCEL 7-1, SECTION 62R-8(1) AND ALL OF PARCEL 7-2, SECTION 62R-8(1)

PLAN OF:

Eaglewood Manor

BEING A SUBDIVISION OF

PART OF LOT 7 - CONCESSION 8 - GEOGRAPHIC TOWNSHIP OF BARTON

NOW IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1 : 500

A.J. Clarke O.L.S. 1988

Metric

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

Owner's Certificate

THIS IS TO CERTIFY THAT:

1. LOTS 1 TO 18 (BOTH INCLUSIVE), BLOCKS 19 TO 27 (BOTH INCLUSIVE), THE STREETS NAMELY EAGLEWOOD DRIVE AND GAGLIANO DRIVE AND THE PUBLIC WALKWAY NAMELY BLOCK 30, THE 0.30 METRE RESERVES NAMELY BLOCKS 31 AND 32 AND THE STREET WIDENINGS NAMELY BLOCKS 28 AND 29 HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS
2. THE SAID STREETS ARE HEREBY DEDICATED AS PUBLIC HIGHWAYS AND SAID 0.3 IS HEREBY DEDICATED AS A PUBLIC WALKWAY TO THE CORPORATION OF THE CITY OF HAMILTON
3. THE SAID STREET WIDENINGS ARE HEREBY DEDICATED AS PUBLIC HIGHWAYS TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH.

GSB (ONTARIO) LTD

DATED AT HAMILTON ON THIS 29th DAY OF June, 1988

I have the authority to bind the Corporation

Legend:

- ○ DENOTES A SURVEY MONUMENT PLANTED
- ● DENOTES A SURVEY MONUMENT FOUND
- $\square_{SSM}$ OR $\square_{SSM}$ DENOTES A STANDARD IRON BAR
- ○ OR ● DENOTES AN IRON BAR
- CM DENOTES "CONCRETE MONUMENT"

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERLY LIMIT OF STONE ROAD EAST AS SHOWN ON PLAN 62M-535 AS BEING N 17°30' 30" W

Surveyor's Certificate

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER;
2. THE SURVEY WAS COMPLETED ON THE 8th DAY OF June, 1988

June 24, 1988
DATE

A.J. Clarke
ONTARIO LAND SURVEYOR

A.J. Clarke & Associates
ENGINEERS & SURVEYORS
HAMILTON, ONTARIO

25T-87040

SINENA AVENUE

EAGLEWOOD DRIVE

GAGLIANO DRIVE

EAGLEWOOD DRIVE

EAGLEWOOD DRIVE

PETTIGALE AVENUE

(FORMERLY THE KING'S HIGHWAY No. 53 AND ORIGINAL ALLOWANCE BETWEEN LOTS 6 AND 7 ON PLAN 62R-8514, NOW REGIONAL ROAD No. 53)

RYMAL ROAD EAST

(FORMERLY THE KING'S HIGHWAY No. 53 AND ORIGINAL ROAD ALLOWANCE BETWEEN GEOGRAPHIC TOWNSHIPS OF BARTON AND GLANFORD NOW REGIONAL ROAD No. 53)

BLOCK 19 · BLOCK 20 · BLOCK 21 · BLOCK 22 · BLOCK 23 · BLOCK 24 · BLOCK 25 · BLOCK 26 · BLOCK 27 · BLOCK 28 · BLOCK 29 · BLOCK 30 · BLOCK 31 · BLOCK 32

Lot 7

Concession 8

plan 62M-472

plan 62M-535

25T-87040

18.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: Octob
COMM. FILE:
DEPT. FILE:

Kentley
Neighbourhood

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SECOND REPORT

SUBJECT

Request for changes in zoning - rear part of lands at Nos. 115 and 125 Centennial Parkway.

RECOMMENDATION

That approval be given to amended Zoning Application 90-59, Slovenian Society of St. Joseph Hamilton, Lessee, for a change in zoning from "C" (Urban Protected Residential, etc.) District modified, to "DE-3" (Multiple Dwellings) District (Block "1") modified, and from "L-mr-1" (Planned Development - Multiple Residential) District to "DE-3" (Multiple Dwellings) District modified (Block "2"), to permit a 3-storey, 30 unit non-profit senior citizens apartment building, on property located on the rear part of lands at Nos. 115 and 125 Centennial Parkway North, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the lands described as Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District modified to "DE-3" (Multiple Dwellings) District.

(ii) That the lands described as Block "2" be rezoned from "L-mr-1" (Planned Development - Multiple Residential) District to "DE-3" (Multiple Dwellings) District.

iii) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to the lands described as Blocks "1" and "2", be modified to include the following variances as special requirements:

(1) That notwithstanding Section 10C(vi) of Zoning By-law No. 6593, a multiple dwelling containing a maximum of 30 dwelling units for the accommodation of elderly persons at least 60 years of age shall be permitted.

(2) That notwithstanding Section 10C(3)(ii)(b) of Zoning By-law No. 6593, a side yard having a depth of not less than 4.5 m shall be provided and maintained along the easterly side lot line within 63 m of the south-easterly corner of the property.

(3) That notwithstanding Section 18A TABLE (1G), a minimum of 20 parking spaces shall be provided and maintained.

(iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-104 be notated S- .

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-104 for presentation to City Council.

(vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(vii) That the Kentley Neighbourhood Plan be amended by redesignating Block "1" from "CIVIC and INSTITUTIONAL", to "LOW DENSITY APARTMENTS" and Block "2" from "ATTACHED HOUSING" to "LOW DENSITY APARTMENTS".

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District modified to "DE-3" (Multiple Dwellings) District modified for Block "1" and a change in zoning from "L-mr-1" (Planned Development - Multiple Residential) District to "DE-3" (Multiple Dwellings) District modified for Block "2", for property located at the rear part of lands at Nos. 115 and 125 Centennial Parkway North, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a 3-storey multiple dwelling containing a maximum of 30 dwelling units for the accommodation of elderly persons of at least 60 years of age.

In addition, the By-law provides for the following variances as special requirements:

- to permit a minimum side yard of 4.5 m for that portion of the building within 63 m of the south-easterly corner of the property.

- to permit a minimum of 20 parking spaces whereas a minimum of 38 parking spaces are required.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposal:

The purpose of the proposed change in zoning is to permit the construction of a 3-storey, 30 unit non-profit senior citizens apartment building.

- Zoning Application 88-54:

  At its meeting held on September 28, 1988, the Planning and Development Committee approved Zoning Application 88-54 which provided for a change in zoning for part of the former church property from "L-mr-1" (Planning Development - Multiple Residential) District to "C" (Urban Protected Residential, etc.) District to permit single-family development in conjunction with adjoining lands to the north.

  On November 8, 1988, City Council passed By-law 88-260 which rezoned the lands to permit single-family development. The By-law came into effect on December 13, 1988.

- Zoning Application 81-53:

  At its meeting held on September 30, 1981, the Planning and Development Committee approved Zoning Application 81-53 which provided for a change in zoning from "L-pn" (Planned Development - Public and Institutional) District to "C" (Urban Protected Residential, etc.) District modified, to permit a church, rectory/office, a church hall, and an existing residential dwelling on the property located at No. 115 and 125 Centennial Parkway North. On November 24, 1981, City Council passed By-law 81-321 which rezoned the lands to permit the above-noted development. The By-law came into effect on February 17, 1982.

- Current Application

  At its meeting held on October 3, 1990 the Planning and Development Committee agreed to TABLE this application for 2 weeks in order that all parties and the Ward Alderman can meet to discuss a possible solution to accommodate the concerns of both sides.

APPLICANT

Slovenian Society of St. Joseph Hamilton, Lessee.

LOT SIZE AND AREA

An irregular shaped parcel of land having:

- approximately 41.8 m (137.14 ft.) (average) lot frontage on Delawana Drive;
- 109.44 m (359.06 ft.) average lot depth; and,
- 4,549.99 m^2 (48,977.39 sq. ft.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"C" (Urban Protected Residential, etc.) District and "L-mr-1" Planned Development - Multiple Residential) District

Surrounding Lands

To the north	Vacant	"C" (Urban Protected Residential, etc.) District
To the south	Shopping Centre	"G-1" (Designed Shopping Centre) District, modified
To the east	Vacant lands, a church hall/rectory and a single family dwelling	"C" (Urban Protected Residential, etc.) District, modified
To the west	Single family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Block "1" is designated "RESIDENTIAL" and Block "2" is designated "MAJOR INSTITUTIONAL" on Schedule "A" Land Use Concept Plan of the Official Plan. The following policies, among others, apply:

Block "1":

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

A.2.1.14 In evaluating the merits of any proposal for Multiple Family Residential Development, Council will be satisfied that the following considerations are met:

(i) That height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,

(ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

(i) Provision and maintenance of adequate off-street parking;

(ii) Alteration of traffic flows;

(iii) Improvement and maintenance of street landscaping;

(iv) Other similar actions or matters as Council may deem appropriate.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

(iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;

(iv) Encourage the responsible public agencies to provide low cost and/or senior citizen housing at appropriate locations throughout the City; and,

(v) Encourage development at densities conducive to the operation of public transit and which utilizes designs or construction that are energy efficient."

Based on the above, the proposal complies with the RESIDENTIAL designation.

Block "2":

"A.2.6.1 The primary uses permitted in the areas exceeding 4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL will consist of cultural facilities, health, welfare, education, religious, and governmental activities and related uses.

A.2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL USES, Residential uses may be permitted provided they are compatible with the surrounding area."

The proposal also complies with the intent of the MAJOR INSTITUTIONAL designation.

The subject lands are also located in the area surrounding a Sub-Regional Centre. Consequently, the following policy, regarding Sub-Regional Centres, should be noted:

"A.2.2.5 The two Sub-Regional Centres will be promoted as secondary retail, business and service centres in the Region, and in the context of the overall COMMERCIAL structure of the City. Accordingly, the Sub-Regional Centres will consist of lands in the vicinity of the intersection of Queenston Road and Centennial Parkway and ... . Council will encourage the location in these centres of relevant district or branch services and offices of business ... Residential Uses. It is further intended that lands within the area designated in the Regional Official Plan as "Urban Policy Area" surrounding the Sub-Regional Centres will include the following uses complementary to those uses existing within these Centres:

(i) Residential Uses of higher densities."

The proposal also complies with the intent of the Official Plan in that higher density residential uses be provided in the vicinity surrounding the Sub-Regional Centre.

NEIGHBOURHOOD PLAN

Designated as follows on the approved Kentley Neighbourhood Plan:

- Block "1" - "CIVIC AND INSTITUTIONAL"
- Block "2" - "ATTACHED HOUSING"

The proposal would require an amendment to the approved Kentley Neighbourhood Plan to redesignate Blocks "1" and "2" to "LOW DENSITY APARTMENTS".

COMMENTS RECEIVED

- The Building Department has advised that:

"(1) The subject lands require a municipal address numbered off of Delawana Drive.

(2) There appears to be discrepancy in the actual dimension of the westerly boundary line based on a previously approved Zoning By-law (88-260).

(3) The proposed development is considered a multiple dwelling.

(4) A 30 unit multiple dwelling requires 38 parking spaces and one 3.7 m X 9.0 m X 4.3 m loading space.

(5) The proposed building requires the following minimum setbacks:

- Front Yard 6.0 m
- Side Yard 7.41 m
- Rear Yard 3.0 m

(6) A minimum 1.5 m wide planting strip is required along the northerly and westerly lot lines adjacent to the parking area.

(7) The access driveway shall be at least 3.0 m from the westerly lot line.

(8) If the proposed multiple dwelling is to be attached to the existing church, further zoning compliance may be applicable."

- The Traffic Department has advised that:

"While we have no objection to the proposed change in zoning, we do have a number of concerns regarding the submitted site plans. They are as follows:

(1) Given the uncertainty of definitions with respect to "seniors" housing we would suggest that the minimal parking requirement for self-contained senior units should be I space per unit. However, given that the adjacent church is prepared to accept any overflow parking (they are the sponsoring agency) we will agree to the proposed 20 parking spaces on-site.

(2) The applicant should be advised that the proposed loading area adjacent to the refuse room does not provide sufficient manoeuvring room, and must be set-back further to the east.

(3) There is adequate manoeuvring room for a single truck to access the refuse room. The attached plan shows the turning path of a single-unit truck trying to get into this space.

(4) There is inadequate manoeuvring room for a truck to turn around on site. It is unacceptable to have a truck backing out onto Delawana Drive."

- The Hamilton-Wentworth Engineering Department has advised that:

"... there are public watermains and separate storm and sanitary sewers available to service the subject lands.

In the absence of any details shown, we advise that any works within the Delawana Drive road allowance must conform to the City of Hamilton Streets By-law.

The Traffic Department is to comment on access design. To maximize sight distances on Delawana Drive looking east, we recommend that the access be shifted to the westerly property line as much as possible (3 to 5 m form line). Grade of the access in the road allowance not to exceed 3%. At such time as the applicant submits detailed site plans, we will provide further comments on grading, landscaping, etc.".

- The Hamilton Region Conservation Authority and the Hamilton-Wentworth Police Department have no comments or objections.

COMMENTS

(1) The proposal complies with the intent of the Official Plan.

(2) The proposal would require an amendment to the approved Kentley Neighbourhood Plan to redesignate Block "1" from "CIVIC AND INSTITUTIONAL" to "LOW DENSITY APARTMENTS" and Block "2" from "ATTACHED HOUSING" to "LOW DENSITY APARTMENTS".

(3) The proposal has merit and can be supported for the following reasons:

- It complies with Official Plan;
- It implements the intent of the "L-mr-1" (Planned Development - Multiple Dwellings) District to provide for multiple dwellings on parts of the site;
- It implements the Provincial Housing Guidelines respecting Affordable Housing;
- It would provide for assisted housing for the elderly which is in relatively short supply because of the aging population and the growing demand for this type of accommodation;

- It is suitably located on the periphery of the Kentley Neighbourhood where more intense type development is encouraged to locate for ease of access to the arterial roadway system;

- It is situated within close proximity to a public transit route;

- It is situated across the road from a major shopping centre (Eastgate Square), which provides a wide range of services; and,

- It would be compatible with existing and proposed development in this area including single-family dwellings to the west and north, multiple family development to the north-east, the church to the east, and Eastgate Mall to the south.

(4) The revised site plan submitted by the applicant has been reviewed by the Building Department who have noted the following By-law variances:

- Minimum Side Yard (Section 10C(3)(iii)(b)):

  The southerly portion of the proposed building provides for a minimum side yard of 4.5 m whereas 7.5 m is required. The requested variance (3.0 m) is considered to be minor in nature and can be supported, as it adjoins the parking area of the church. Furthermore, it provides ease of access to the handicapped unit and a recreation room at this location in the proposed building. The other yards satisfy by-law regulations.

- Required Parking Spaces - Section 18A TABLE 1 (g):

  The proposed multiple family development provides for a total of 20 parking spaces whereas a minimum of 38 parking spaces are required for the development. The requested variance would be no less feasible than other similar applications to permit a reduction in parking for senior citizens apartment projects previously approved by City Council (e.g., ZA-89-73, 17 Main Street West; ZA-89-76, 206-210 Jackson Street East; ZA-89-126, Mall Road). The Traffic Department supports the variance.

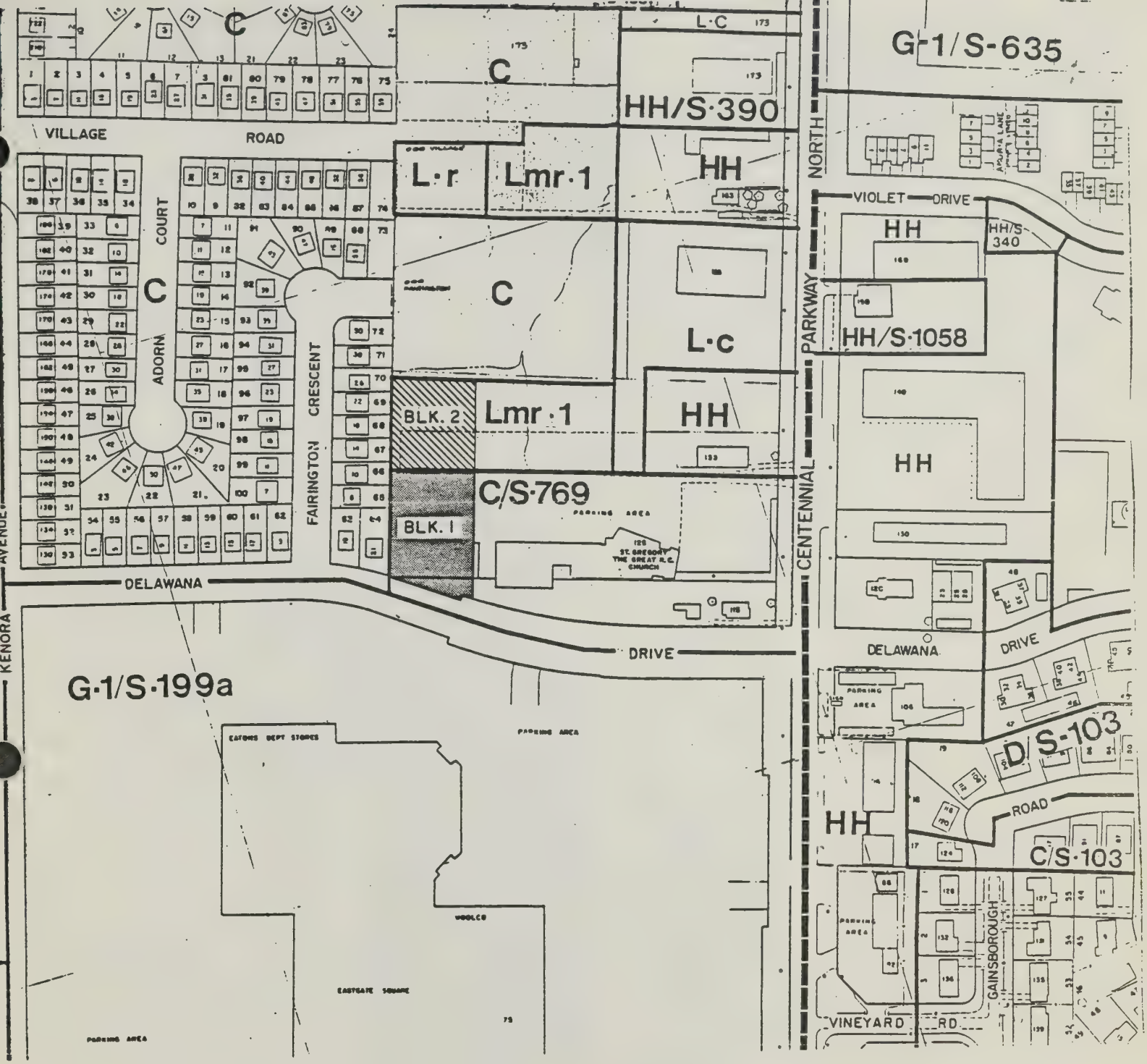
(5) Under the "DE-3" District regulations, the lands are subject to Site Plan Control By-law 79-275 as amended by By-law 87-233. In this regard, matters such as access, landscaping, grading, parking, loading, road widenings, etc., can be further reviewed at the site plan stage of development.

(6) It should be noted, based on recent information provided by the applicant, that the owner of the adjoining shopping centre to the south, Cadillac Fairview Corporation, own a remnant triangular shaped parcel of land at the south westerly corner of the property. Preferrably, this small parcel of land should be acquired and rezoned to permit its comprehensive development. In addition, the City also has a one foot reserve on the most easterly portion of the site which must be lifted. This can be dealt with at the site plan approval stage of the development.

CONCLUSION

On the basis of the foregoing, the amended application can be supported.

GAW/dkp
Attach.



LEGEND

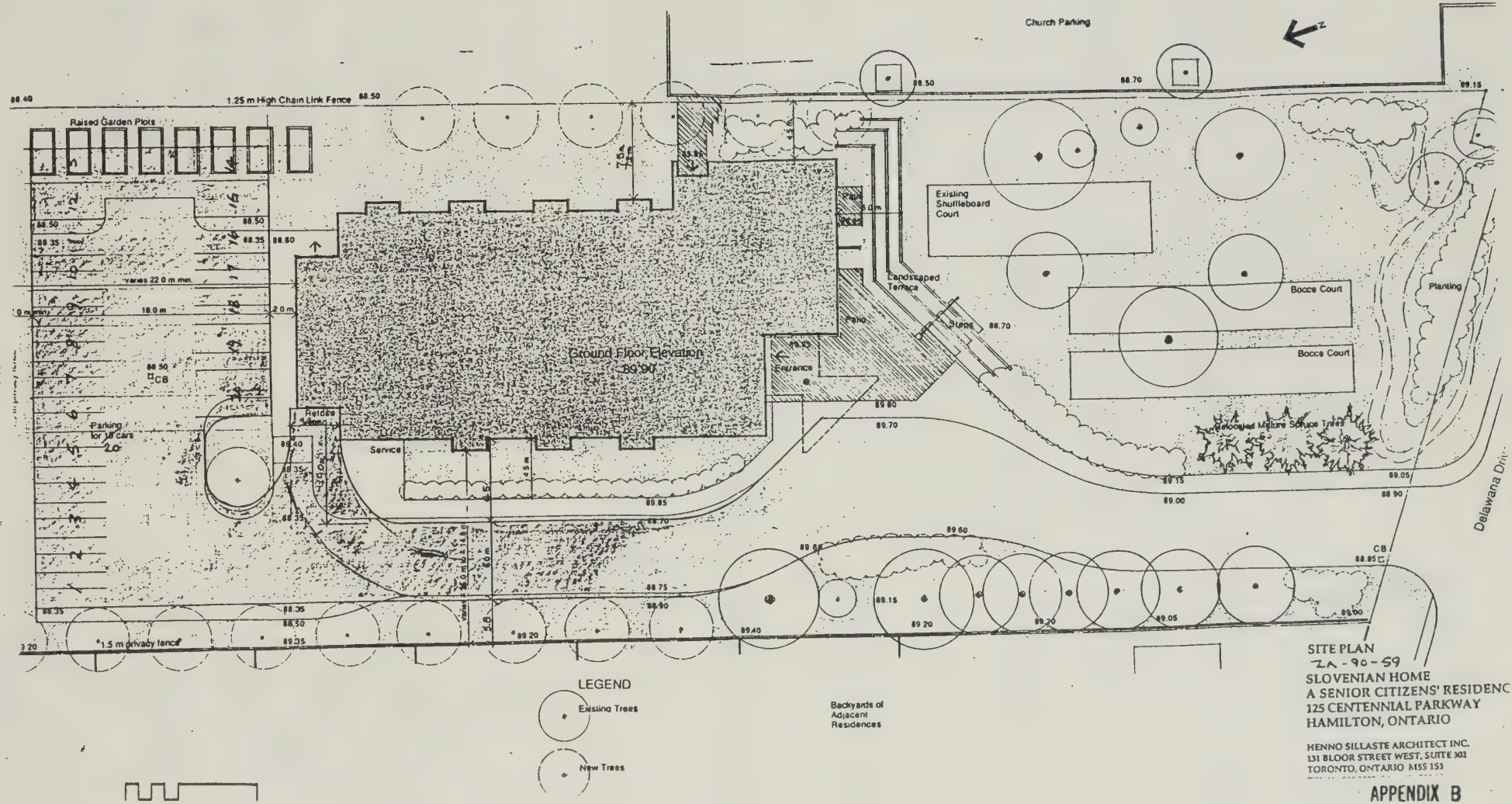
PROPOSED CHANGE IN ZONING FROM:

ZA 90-59

BLOCK 1 — "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT, MODIFIED TO "DE-3" (MULTIPLE DWELLINGS) DISTRICT.

BLOCK 2 — "L-mr-1" (PLANNED DEVELOPMENT - MULTIPLE RESIDENTIAL) DISTRICT TO "DE-3" (MULTIPLE DWELLINGS) DISTRICT.

APPENDIX A



SITE PLAN
ZA-90-59
SLOVENIAN HOME
A SENIOR CITIZENS' RESIDENC
125 CENTENNIAL PARKWAY
HAMILTON, ONTARIO

HENNO SILLASTE ARCHITECT INC.
131 BLOOR STREET WEST, SUITE 302
TORONTO, ONTARIO M5S 1S3

APPENDIX B

PETITION 189. ZA90-59

We the undersigned households of Fairington Cres. Hamilton are against the changing of zoning - 125 Centennial Parkway - because of the proposed building of an Old Age home (3 floors - 30 units). WE ARE NOT against any old age home if the owners of 125 Centennial Parkway will build the home on the East side of their property, ie. towards Highway 20. Also they could put the parking lot right up to our fences, if they, would lose any parking places.

HOUSE: #

6. V. Fadanelli
10. Gillespie
14. [illegible]
18. Peter Tommi
22. D Degamba
26. M Rheaume
30. Felicia Di Iamo
50. A Morello

HOUSE #

3. [illegible]
7. [illegible]
11. [illegible]
15. G. [illegible]
19. M Bolduc
23. Enrico Pioppo
27. [illegible]
31. A. Cipriani
35. Guerino Restaurant
39.
43. Abazewski
47. C. Barski
51.
55. D Bajic

PETITION

We the undersigned households of Village Dr. Hamilton, are against the changing of zoning - 125 Centennial Parkway - because of the proposed building of an Old Age home (3 floors - 30 units). WE ARE NOT against any old age home if the owners of 125 Centennial Parkway will build the home on the East side of their property, ie, towards Highway 20. Also they could put the parking lot right up to the fences (houses located behind the church) if they, would lose any parking places.

HOUSE #		HOUSE #
48	Angelo Valentini	
52	Maria Colebra	
44	Krystyna Dzugala	
40	Village Drive Salvatore Garofalo + family	
43	Village Drive Orest Hrycak	
47	VILLAGGE D.R. Domenic Carbone	
59	Village Dr Hatice Bosnjak	
19	Village Dr Brzakala	
23	Village Drive Hindhead's	
39	Village Do. Balwinder Randhawa	

PETITION

We the undersigned households of Kenora St, Hamilton are against the changing of zoning - 125 Centennial Parkway - because of the proposed building of an Old Age home (3 floors - 30 units). WE ARE NOT against any old age home if the owners of 125 Centennial Parkway will build the home on the East side of their property, ie, towards Highway 20. Also they could put the parking lot right up to the fences (houses located behind the church) if they, would lose any parking places.

HOUSE #		HOUSE #	
134	Kenora		
138	Kenora Ave		
146	Kenora		
150	Kenora Ave		
154	Kenora Ave		
162			
170			
158	Kenora		

PETITION

We the undersigned households of Adorn Crt, Hamilton are against the changing of zoning - 125 Centennial Parkway- because of the proposed building of an Old Age home (3 floors - 30 units).

WE ARE NOT against any old age home if the owners of 125 Centennial Parkway will build the home on the East side of their property, ie, towards Highway 20. Also they could put the parking lot against (the houses behind the church), if they, would lose some parking places.

HOUSE #		HOUSE #	
19	Adorn Court		
23	Buccello		
27	Zbigstow Armacinski		
35	C. McClements		
39	[illegible]		
43	[illegible]		
47	S. Sforzza		
46	M. Capano		
26	M. Sophia		
22	P. Brundl		
18	L. Celeste		
10	C. Jakubowski		

PETITION

We the undersigned households of Delawana Drive, Hamilton are against the changing of zoning - 125 Centennial Parkway - because of the proposed building of an Old Age home (3 floors - 30 units). WE ARE NOT against any old age home if the owners of 125 Centennial Parkway will build the home on the East side of their property, ie, towards Highway 20. Also they could put the parking lot right up to the fences (houses located behind the church) if they, would lose any parking places.

HOUSE #

HOUSE #

11 Mrs W Chmielczak
Ottavio De Lazzio -
9
7 Ottavio De Lazzio -
5 Jeffery Eng
3 Mrs. P. Pawlowski
D. Bukovac
21 Delawana Dr
17 DELAWANA DR Lino Annibale
15 DELAWANA DR. Luigi Zolino
3 Delawana Dr

19.

FOR ACTION

REPORT TO:	**SUSAN REEDER, SECRETARY OF THE PLANNING AND DEVELOPMENT COMMITTEE**	**DATE:**	**October 18, 1990**
		COMM FILE:	
		DEPT. FILE:	**DA-90-66 Trenholme Neighbourhood**

FROM: **J.D. THOMS, COMMISSIONER PLANNING AND DEVELOPMENT DEPARTMENT**

OCT 19 1990

SUBJECT:

Site Plan Control Application DA-90-66 for a new Traffic Operations Centre at 1375 Upper Ottawa Street, Hamilton.

RECOMMENDATION:

That approval be given to Site Plan Control Application DA-90-66 by The Corporation of the City of Hamilton, owners of lands known as 1375 Upper Ottawa Street for a new Traffic Operations Centre, subject to the following:

i) modification to the plans in relation to notes, and dimensions as marked in red on the plans; and,

ii) approval of a revised grading plan by the Commissioner of the Hamilton-Wentworth Engineering Department.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

Plans have been submitted for a new Traffic Operations Centre at 1375 Upper Ottawa Street. These plans, known as concept "B", were approved by the Transport and Environment Committee at a special meeting on Wednesday May 24, 1990, and subsequently by City Council. Concept "B" was one of three (3) design concepts presented to the Transport and Environment Committee.

The details of the proposed development are as follows:

o	Net Lot Area	-	33,016.235 m^2
o	Gross Floor Area	-	5,020.0 m^2
o	Building Height (max.)	-	11 m
		-	one (1) storey
o	No. of parking spaces provided	-	90
o	No. of Loading spaces provided	-	two (2) @ 3.6 m x 15.0 m
o	Landscape Area	-	7,150.0 m^2

The building and parking area are located east of the existing woodlot. The existing woodlot has been maintained except for the access driveway along the southerly boundary of the property.

COMMENTS RECEIVED

The Hamilton-Wentworth Engineering Department has advised that the grading plan is satisfactory. However, since the existing curbline varies from the existing property line, they will require 5 m x 5 m daylight triangles between the access and the property/street line in which the maximum height of vegetation, objects, etc. are not to exceed a height of 0.60 m above the centreline elevation of Upper Ottawa Street.

The Building Department has advised that, further to their comments of August 27, 1990, the proposed use of a Traffic Operations Centre is a permitted use in the M-13 (Prestige Industrial) District.

The Traffic Department has reviewed the plan submitted and have advised that the site plan is satisfactory.

The Public Works Department has verbally indicated that the proposed access through the woodlot is undesirable and an alternate route through municipal lands to the north were not adequately explored.

COMMENTS

Various modifications are required to the plan in relation to notes and dimensions and have been marked in red on the plans

The applicant has advised that the grading and site plan have been modified slightly due to comments received from the Fire Training Centre which lies immediately to the east of the property. The changes are minor in nature and do not alter the intent of the submitted plans.

The grades along the easterly portion of the property have been adjusted to provide a berm between the two properties and, consequently, the building and site layout (i.e. parking arrangement, access driveways) have been shifted slightly to the west approximately 2.0 m. The resulting minor changes will require a revised grading plan to be subject to the approval of the Commissioner of the Hamilton-Wentworth Engineering Department.

The landscape plan indicates that the proposed access to the site will pass through an existing woodlot adjacent to Upper Ottawa Street. The road has been aligned with a detailed tree survey to identify the trees which are to be protected, and to remove as few trees as possible. The road alignment is also to provide service connections for hydro, gas, water and computer conduits for the project. The proposed landscape plan provides for heavy woodland plantings along the entire road length abutting the woodlot.

The new woodland plantings also extend along the northerly and southerly property lines to provide buffer plantings from the adjacent landfill to the north and industrial use to the south. Additional trees and plantings are provided around the building.

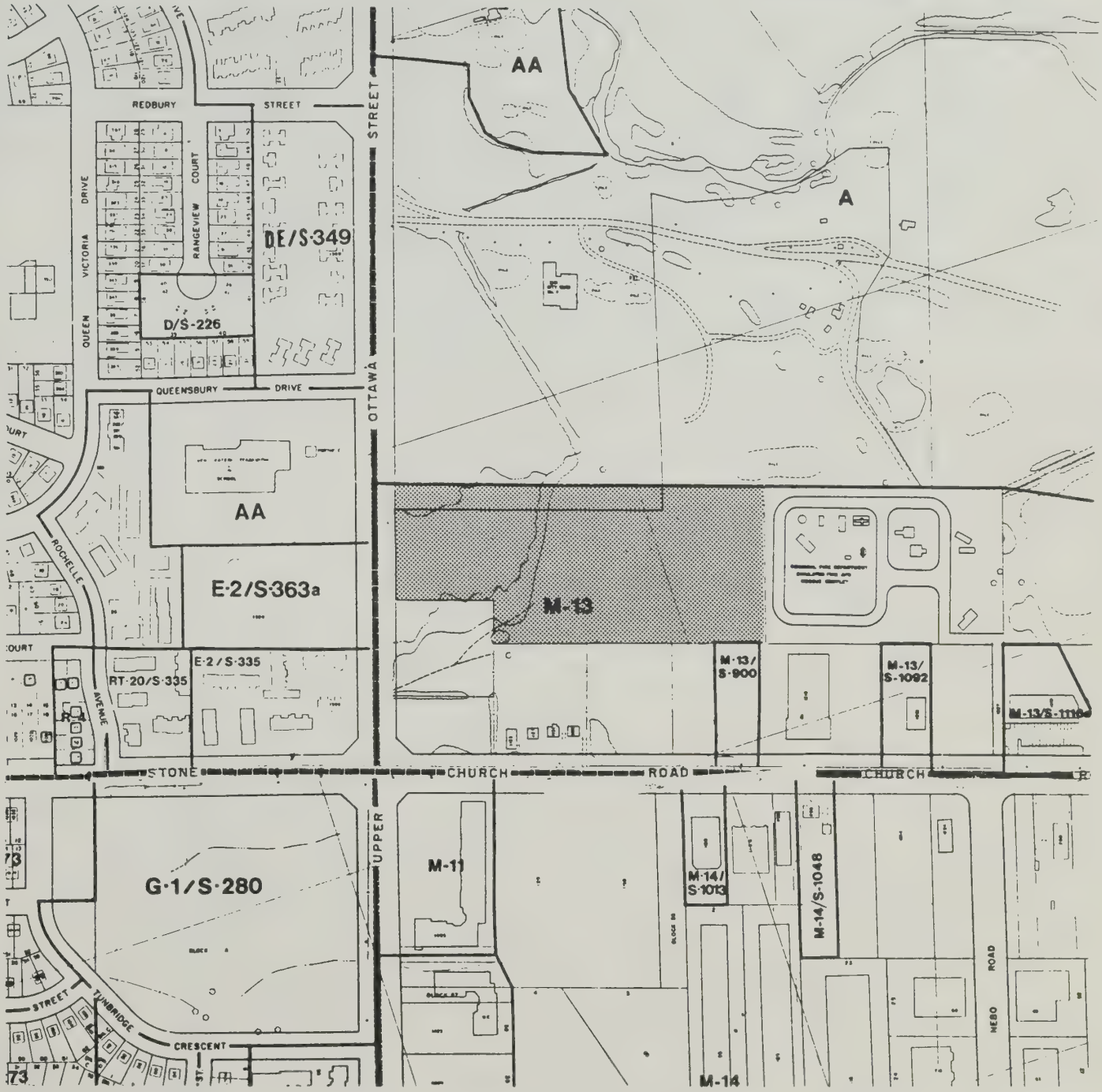
Ideally, the provision of an alternate access to the site providing for the retention of the trees would have been preferred.

However, the applicant has noted that alternate access to the site was evaluated in detail during preliminary studies for the project. Those studies indicated that a saving of $277,750.00 would be realized if an access road from Upper Ottawa was selected. As previously indicated, the various details of study have been discussed by the Transport and Environment Committee and resulted in the approval of Concept "B" which was subsequently adopted by City Council.

JPS/ma
WPDA9066

QUINNDALE No. 110

TRENHOLME No. 131



TEMPLEMEAD No. 129

RYMAL No. 120

City of Hamilton

Plan Showing
Lands Subject to

Site Plan Control Application DA-90-66

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	1:5000	DA-90-66
	Date	Drawn By
	JULY 20, 1990	W. J. S.

K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK

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OFFICE OF THE CITY CLERK

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1990 October 26th

URBAN MUNICIPAL
OCT 31 1990
GOVERNMENT DOCUMENTS

Mr. E. W. Kowalski, Director of Community Development
Mr. S. Ghanem, Director of Economic Development
Mr. T. Gill, Acting Engineering Commissioner
Attention: Mr. K. Brenner
Mr. M. Main, Director of Traffic Services
Attention: Mr. R. Karl
Ms. Diana Pasko, Planning Department
Mr. E.G. Beres, Regional Assessment Commissioner
Urban Municipal Librarian, Central Library

Attached herewith are the minutes of the Planning and Development Committee meetings held Wednesday, 1990 September 19th and Wednesday, 1990 October 3rd.

These minutes were approved by the Planning and Development Committee at its meeting held Wednesday, 1990 October 24th.

Yours very truly,

Susan K. Reeder.

Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

Attch's.
c.c.'s -
- Manager, C.M.H.C.
- Hamilton & District Chamber of Commerce
  Attention: Kathy Drewitt
- Mr. W. B. O'Brien, Director of Transportation Services, H.S.R.
- Mr. Paul E. Shewfelt, Board of Education
- Mr. Douglas Kelterborn, Board of Education
- Mr. T. Cupido, Superintendent of Plant,
  Hamilton Separate School Board
- Mr. M. D. Crowley, Southam Communications Ltd.
- Mr. D. Miller, Canada Life, London, Ontario
- Durand Neighbourhood, c/o Ruth Morrison
- Mr. Rob Hager, Research Statistican, Oshawa Foods

Wednesday, 1990 September 19
9:00 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman F. Lombardo, Chairman
Alderman D. Drury, Vice-Chairman
Mayor Robert M. Morrow
Alderman W. McCulloch
Alderman M. Kiss
Alderman D. Ross
Alderman H. Merling

Also present: Alderman T. Jackson
Alderman D. Agostino
Alderman V. Agro
Alderman T. Murray
Alderman B. Hinkley
Mr. Kelterborn, Hamilton Board of Education representative
Mr. L. Sage, Chief Administrative Officer
Mr. D. Carson, Mayor's Office
Mr. A. Georgieff, Director of Local Planning
Mr. J. Johnston, Commissioner of Human Resources
Mr. L. King, Building Commissioner
Mr. P. Lampman, Deputy Building Commissioner
Mr. M. Watson, Real Estate Division, Property Department
Mr. J. Lakatos, Planning Department
Mr. D. Godley, Planning Department
Mr. K. Brenner, Engineering Department
Ms. J. McNeilly, Community Development Department
Mr. J. Robinson, Community Development Department
Mr. R. Karl, Traffic Department
Ms. P. Noé Johnson, City Solicitor
Mr. G. Groppler, Planning Department
Mr. D. Vyce, Director of Property
Mr. P. Mallard, Planning Department
Mr. W. Wong, Building Department
Mr. J. Schwarz, Regional Planning Department
Mr. J. Sakala, Planning Department
Mrs. V. Grupe, Planning Department
Mrs. Susan K. Reeder, Secretary

CONSENT AGENDA

The Committee was in receipt of its Consent Agenda. The Secretary advised that the minutes included in the Consent Agenda of the Joint Meeting of the Transport and Environment Committee and the Planning and Development Committee should be amended as per the amendment of the Transport and Environment Committee to include Alderman Agro as being in attendance. The Committee concurred with this recommendation and approved the Consent Agenda as follows:

(A) **ADOPTION OF THE MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE:**

The Committee approved the minutes of the Joint Meeting of the Planning and Development Committee and the Transport and Environment Committee held Wednesday, 1990 August 22, as per the above-noted amendment.

BUILDING COMMISSIONER

(B,C, D) **Demolition Permit Applications**

The Committee was in receipt of a report from the Building Commissioner respecting Demolition Permit Applications and approved the following:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

(a) 250 MacNab Street North
(b) 982 Concession Street
(c) 315 Caroline Street South

CITY TREASURER

(E) Final Release of Holdback - Delmar Contracting Limited - James Street North Streetscape.

The Committee was in receipt of a report from the Director of Property dated 1990 September 12, respecting Final Release of Holdback.

The Committee approved the following:

That holdback in the amount of $13,855.ll be released to Delmar Contracting Limited for the completion of the contract, P. O. 31234, for the Downtown Hamilton Action Plan - Phase V (James Street North Streetscape), pending receipt by the Treasury of the Standard Release Forms from the Contractor and the City Solicitor's Department.

DIRECTOR OF PROPERTY

(F) Release of Building Covenants - Fifty Yonge Street South Inc. - 85 Burford Road, Part of Lot 1, Grayside Industrial Estate No. 1, Plan 1382.

The Committee was in receipt of a report from the Director of Property dated 1990 September 11, respecting the above-noted Release of Building Covenants and approved the following:

That the City Solicitor be authorized to prepare the necessary Release Agreement from the City of Hamilton to the present owner, Fifty Yonge Street South Inc. of 85 Burford Road, Hamilton, Ontario to release the property from the construction covenants to the City as contained in Deed Instrument #180981 A. B. and 180982 A. B. Registered on 1970 September 11.

(G) Release of Building Covenants - G.N.A.S. Land Group Inc. - 1124 and 1136 Rymal Road East.

The Committee was in receipt of a report from the Director of Property dated 1990 September 12, respecting the above-noted Release of Building Covenants and approved the following:

That the City Solicitor be authorized to prepare the necessary Release Agreement from the City of Hamilton to the present owner, G.N.A.S. Land Group Inc. of 1124 and 1136 Rymal Road East, Hamilton, Ontario to release the property from the construction covenants to the City as contained in Deed Instrument #202643 L. T. and 212805 L. T. Registered on 1987 June 18 and 1987 November 9 respectively.

(H) Extension of Commencement and Completion Dates of Construction - Hamilton Mountain Industrial Park No. 1, Plan M-227 - City Sale of Lot 18, Nebo Road (No. 140).

The Committee was in receipt of a report from the Director of Property dated 1990 September 12, respecting the above-noted matter and approved the following:

That the Offer to Purchase the lands of the Corporation of the City of Hamilton, being composed of Lot 18, Plan M-227, duly executed on 1989 August 23, by the purchasers Allan Michaels Electric Ltd., and approved by City Council on 1989 September 26, Item 8 of the Twenty-First Report of the Planning and Development Committee, be amended as follows:

(a) That the commencement of construction date be extended from 1990 September 12 to 1991 March 12.

(b) That the completion of construction date be extended from 1991 September 12 to 1991 December 31.

(c) That all other terms and conditions of the agreement shall remain the same and time is of the essence.

DIRECTOR OF COMMUNITY DEVELOPMENT

(I,J,K L,M) **Applications - City of Hamilton Heritage Programme**

The Committee was in receipt of reports from the Director of Community Development respecting Applications for City of Hamilton Heritage Programme funding for properties on Ferguson Avenue South and approved the following recommendations:

5. (a) That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, five hundred and sixty-seven dollars ($2,567.)be approved for Ilze Dreimanis, 221 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of two thousand, five hundred and sixty-eight dollars ($2,568.) be provided to Ilze Dreimanis, 221 Ferguson Avenue South, Hamilton.

6. (a) That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, six hundred and eighty-four dollars ($2,684.)be approved for Betty Jean Carlyle, 219 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of two thousand, six hundred and eighty-four dollars ($2,684.) be provided to Betty Jean Carlyle, 219 Ferguson Avenue South, Hamilton.

7. (a) That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, five hundred and sixty-seven dollars ($2,567.)be approved for Penelope Preston, 223 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of two thousand, five hundred and sixty-eight dollars ($2,568.) be provided to Penelope Preston, 223 Ferguson Avenue South, Hamilton.

8. (a) That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, five hundred and sixty-seven dollars ($2,567.)be approved for Hugh R. Caughey, 225 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of two thousand, five hundred and sixty-eight dollars ($2,568.) be provided to Hugh R. Caughey, 225 Ferguson Avenue South, Hamilton.

9. (a) That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, six hundred and forty-four dollars ($2,644.)be approved for Elaine Elson, 227 Ferguson Avenue South, Hamilton.The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of two thousand, six hundred and forty-four dollars ($2,644.) be provided to Elaine Elson, 227 Ferguson Avenue South, Hamilton.

CITY SOLICITOR AND BUILDING COMMISSIONER

(N) **Building Code Prosecution - Gino Toscani and Toscani Development Limited.**

The Committee was in receipt of an Information Report from the City Solicitor and the Building Commissioner, respecting the above-noted matter and agreed to **RECEIVE** this Information Report.

At this point, the Committee agreed to move **IN-CAMERA** to discuss matters of a Private and Confidential nature.

Following the **IN-CAMERA** session, the Committee then moved into regular session and approved the following:

(AA) **Referred by City Council:**

(BB) **Joint Report - Chief Administrative Officer, Director of Community Development, Director of Property, Director of Public Works - Re-organization - Department of Community Development:**

(a) That the duties and responsibilities of the Department of Community Development be transferred as follows:

Function		Department
(i)	Community Renewal Section	Public Works
(ii)	Hamilton Waterfront Parks Project	Public Works
(iii)	Housing Loans Section	Building Department
(iv)	Municipal Non-Profit (Hamilton) Housing Corporation	Chief Administrative Officer

and that the respective staff be reassigned accordingly.

(b) That the following positions be deemed redundant:

(i) Director (to be retired)
(ii) Administrative Assistant II (to be reassigned to a vacant position)
(iii) Stenographer IV (to be reassigned)

NOTE: The salary savings, based on 1990 rates will be $127,692.76 annually (5 year savings approximately $711,000.)

(CC) **BUILDING COMMISSIONER**

(DD) **Building Department Service - Re-organization of Inspection Division.**

(a) That the organizational structure for the Inspection Division of the Building Department as shown on Table B, attached herewith and marked Appendix "B", be approved.

(b) That the newly established positions of Supervisor Building Standards and Supervisor Inspection Services be referred to the Commissioner of Human Resources for classification. Also, the stenographic staff positions are to be reviewed for determination of proper classifications.

NOTE: These changes do not affect staff complement.

The proposed reorganization can be implemented within the Department's existing budget. It is anticipated that long range savings will be in the range of $10,000./year.

(N) CITY SOLICITOR AND BUILDING COMMISSIONER - BUILDING CODE PROSECUTION

As a result of an Information Report presented to Committee and **RECEIVED** at the beginning of the meeting, respecting the above-noted matter the Committee was in receipt of an added report from the Building Commissioner dated 1990 September 17, respecting Increase in Fine Levels - Violations of the Building Code Act. The Building Commissioner spoke to this matter and indicated that the Ontario Buildings Branch and the Ministry of Housing have been considering various increases to the Building Code Act to increase fine levels for Building Contractors in violation of the Code and recommended that City Council endorse the proposals. Accordingly, the Committee approved the following:

That City Council petition the Province of Ontario to enact proposed changes to the Building Code Act for increased fine levels.

NOTE: Proposed changes to the fines levied under the Building Code Act have been proposed by the Ontario Buildings Branch and the Ministry of Housing for numerous years. The latest draft is as follows:

"It is proposed that the new penalty for individuals per offence would be not more than $25,000. on first conviction, and not more than $50,000. on subsequent conviction; for corporations per offence, not more than $50,000. on first conviction and not more than $100,000. on subsequent conviction; and for conviction of failure to comply with an Order, not more than $10,000. per day for every day upon which the offence continues after the time specified in the Order to achieve compliance with the Order has expired. Prison terms would remain the same."

REGULAR AGENDA

DIRECTOR OF COMMUNITY DEVELOPMENT

2. Provincial/Municipal Housing Agreement.

The Committee was in receipt of a report from the Director of Community Development dated 1990 September 10, respecting the Provincial/Municipal Housing Agreement.

Considerable discussion ensued on this matter and the following recommendation resulted in a tie vote.

THE FOLLOWING RECOMMENDATION RESULTED IN A TIE VOTE AT THE PLANNING AND DEVELOPMENT COMMITTEE AND IN ACCORDANCE WITH CITY COUNCIL POLICY IS HEREWITH PRESENTED TO COUNCIL.

(a) That the Mayor and City Clerk **NOT** be authorized to sign, on behalf of the Corporation of the City of Hamilton, the Provincial/Municipal Housing Agreement, attached herewith and marked Appendix "A".

(b) That the Department of Community Development, in conjunction with other relevant Departments, **NOT** be directed to continue to negotiate with the Province of Ontario on those items included in the Agreement but not completely resolved as of the date of signing.

(c) (i) That the Department of Community Development, on behalf of the Corporation of the City of Hamilton, **NOT** act as agent, on a fee for service basis, for the implementation of the Provincial Government's Convert-To-Rent Programme.

(ii) That the Mayor and City Clerk **NOT** be authorized to sign the necessary Provincial/Municipal Implementation Agreement for the Convert-To-Rent Programme satisfactory to the City Solicitor. The terms and conditions of the Convert-To-Rent Programme have been approved by the Planning and Development Committee.

(d) That the Department of Community Development **NOT** implement a Supplemental Loan Programme in conjunction with the Convert-To-Rent Programme at a Capital Cost of $740,000. The Programme will be available in Business Improvement Areas only, and the terms and conditions have been approved by the Planning and Development Committee. (For the Information of Council, the cost has been approved in the Department of Community Development's 1990-1994 Capital Budget.)

(e) (i) That the Department of Community Development **NOT** establish an Emergency Loan Programme using $200,000. from the revolving fund established by the Hamilton Rehabilitation Programme; and,

(ii) That the Department of Community Development **NOT** be authorized to process emergency loans not to exceed $2,000. to owner/occupants of residential single-family homes based on the terms and conditions approved by the Planning and Development Committee.

(f) (i) That the Department of Community Development **NOT** implement a $10,000. Demonstration Programme, funded by the Province of Ontario, concerning the storage and re-use of equipment funded under the Ontario Home Renewal Programme - Disabled.

(ii) That the Mayor and City Clerk **NOT** be authorized to sign the necessary Provincial/Municipal Implementation Agreement for the Demonstration Programme satisfactory to the City Solicitor. The terms of the Demonstration Programme have been approved by the Planning and Development Committee.

Recorded vote - Yeas: Lombardo, McCulloch, Ross; and,

Nays: Kiss, Drury and Merling.

3. <u>Crown Point West/Stipeley P.R.I.D.E. Phase II; Authorization to Sign the Provincial/Municipal Agreement.</u>

The Committee was in receipt of a report from the Director of Community Development dated 1990 September 10, respecting the above-noted matter and approved the following:

That the Mayor and City Clerk be authorized to sign the Provincial/Municipal Agreement for the Crown Point West/Stipeley Phase II Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.).

4. Crown Point West/Stipeley P.R.I.D.E. Phase II; Appointment of Consultant.

The Committee was in receipt of a report from the Director of Community Development dated 1990 September 13, respecting the above-noted matter and approved the following:

(a) That, Basciano-O'Connor Landscape Architects Ltd., 1150 Blair Road, Burlington, Ontario, L7M 1K9, be appointed to carry out the design, concept development, detailed drawings and specifications for the Crown Point West/Stipeley Phase II Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) at a total set fee of thirty thousand dollars ($30,000.) as per the attached Schedule, marked as Appendix "C"; and,

(b) That, the City Solicitor be authorized and directed to prepare the necessary legal agreement to carry out (a) above; and,

(c) That, the Mayor and City Clerk be authorized to sign the legal agreement referred to in (b).

NOTE: Funds are available in the Crown Point West/Stipeley Phase II P.R.I.D.E. Account No. CF 5200 428902002.

ACTING COMMISSIONER OF ENGINEERING

5. Amendment - "Nash Orchard Heights West" Subdivision.

The Committee was in receipt of a report from the Acting Commissioner of Engineering dated 1990 September 11, respecting the above-noted matter and approved the following:

That Item 1.5 of Schedule "D" of the City of Hamilton Subdivision Agreement for Nash Orchard Heights West be amended to state "Security required for Parkland Purposes $200,000." and that said securities be held until 1992, and at that time the developer will either transfer to the City, lands equal to the deficient parkland areas of 1540.28m^2 or make a cash payment of $200,000. in lieu of dedicating said lands.

6. Land Severance Application - conveyance of lands.

The Committee was in receipt of a report from the Acting Commissioner of Engineering dated 1990 September 5, respecting the above-noted matter and approved the following:

(a) That the City of Hamilton convey to the adjacent owners (832200 Ontario Ltd.) lands known as Part 14 of Plan 62R-4121, on Templemead Drive, in the City of Hamilton, and that the sale price for these lands be $1.00.

(b) That the City Real Estate Department be authorized to sell Part 14 of Plan 62R-4121.

(c) That the City Solicitor be authorized to execute any documents required in this matter.

NOTE: These lands are located on the east side of Templemead Drive in the Templemead Neighbourhood.

CITY SOLICITOR

7. Repeal of Designation of 65 Markland Street.

The Committee was in receipt of a report from the City Solicitor dated 1990 September 6, respecting Repeal of Designation of 65 Markland Street and the Committee approved the following:

That the City Solicitor be authorized to prepare and register on title a By-law to repeal By-law No. 89-295, which designated 65 Markland Street as property of historic and architectural value and interest, for presentation to City Council.

8. Expropriation - Offer of Compensation and Notice of Possession - 403 Sherman Avenue North, (Alpha Enclave)

The Committee was in receipt of a report from the City Solicitor dated 1990 September 12, respecting the above-noted matter and approved the following:

That with respect to the vacant residential property municipally known as 403 Sherman Avenue North, expropriated pursuant to Expropriation By-law No. 90-35 for the purpose of removing residential uses from the Industrial-zoned areas of the Alpha Enclave, that the City Clerk be authorized to:

(a) Sign and serve Notice, in accordance with Section 41 of the Expropriations Act, that possession of the expropriated land is required;

(b) Sign and serve Offers of Compensation, in accordance with Section 25 of the Expropriations Act, for the expropriated land as follows:

The total Offer of Compensation for this property is $50,000. This is to be distributed among the following former owners and encumbrancers:

Donald Arnott	Spouse of Donald Arnott
Audrey Arnott	Spouse of Audrey Arnott
Raj Rani Jain	Spouse of Raj Rani Jain
Sumat Parkash Jain	Spouse of Sumat Parkash Jain
Douglas MacDonald	Spouse of Douglas MacDonald
Aldina MacDonald	Spouse of Aldina MacDonald
George Willard Roberts	Spouse of George Willard Roberts
Barbara Roberts	Spouse of Barbara Roberts
Stanley Smieska	Spouse of Stanley Smieska
Canada Trust Company	Household Finance Corporation
McKerlie-Millen Ontario Inc.	National Bank of Canada
National Trust Company	Ontario Legal Aid
Texaco Canada Inc.	Maynard Bath
Spouse of Maynard Bath	Satwant Bendi
Spouse of Satwant Bendi	Parkash Bendi
Spouse of Parkash Bendi	David F. Donovan
Spouse of David F.Donovan	Robert Hartshorne
Spouse of Robert Hartshorne	P.J. Associates Collection Services

NOTE: The City Treasurer has advised that funds are available in Account No. CF 5590 308750001 in the Alpha Enclave Clearance Programme.

TASK FORCE ON AFFORDABLE HOUSING

9. Housing Intensification Study.

The Committee was in receipt of a letter from the Chairman of the Regional Chairman's Task Force on Affordable Housing dated 1990 August 21, respecting the Housing Intensification Study. The correspondence from the Chairman requested that the Task Force be given an opportunity to have the Housing Intensification Study referred to them for a full review and response. The Planning and Development Committee agreed that this input should be requested.

ALDERMAN D. DRURY

10. Ammunition in Gun Shops.

The Committee was in receipt of a memorandum from Alderman Drury dated 1990 August 18, with respect to Ammunition in Gun Shops. The Alderman responded to an Information Report forwarded to the Committee from the City Solicitor on 1990 July 30, outlining the regulations of ammunition contained in Gun Shops within the City of Hamilton. The Alderman requested that a Task Force be set up to review the regulations respecting the amount of ammunition which could be contained in Gun Shops, and accordingly approved the following:

> That a By-law Task Force be struck with representatives from the License Section of the City Clerk's Department, Building Department and the Police force to report back to the Planning and Development Committee on the advisability and feasibility of establishing a by-law regulating the type and amount of ammunition to be stored at any one location.

DELEGATION

11. Vehicular access to the south leg of King Street between James and John Streets.

The Committee was in receipt of a letter from Bernard Hanna, Chairman, The Board of Management, The Downtown Hamilton Business Improvement Area indicating that they are opposed at this time to the south leg of King Street East being re-opened for vehicular traffic.

The Committee was also in receipt of a report from the Director of Traffic Services dated 1990 April 19, respecting the south leg of King Street between James and John Streets.

Alderman V. Agro was in attendance at the meeting along with Mr. Scarfone, Solicitor for a merchant on King Street, and both gentlemen spoke to their request to have the south leg of King Street between James and John Streets re-opened for vehicular traffic.

Following considerable discussion on the pros and cons of opening up the south leg of King Street between James and John Streets, the Committee concurred with the recommendation of the Director of Traffic Services as follows:

(a) That the policy decision to prohibit vehicular traffic on the south leg of King Street between James and John Streets between the hours of 11:00 o'clock a.m. to 6:00 o'clock p.m. be reconfirmed; and,

(b) That the Committee authorize and instruct the Director of Traffic Services to report to the Transport and Environment Committee respecting the establishment of part-time taxi stands within the loading bays on the south leg of King Street between James and John Streets.

REFERRAL BY CITY COUNCIL

12. Section 18 of the FIFTEENTH Report of the Planning and Development Committee - Zoning Application 90-36 - property at the rear of 1422 and 1430 Upper Sherman Avenue.

The Committee was in receipt of a memorandum from the Deputy City Clerk dated 1990 August 30, respecting the referral back of the above-noted Section to the Planning and Development Committee. The Committee was also in receipt of a memorandum from the Secretary of the Planning and Development Committee dated 1990 August 30, explaining that the Section which was forwarded to City Council was inaccurate and should have read as approved by the Planning and Development Committee and the Secretary outlined the way the report should have read, as well as attaching the Staff report on the issue.

The Committee then approved the following recommendation:

That Item 13 of the Thirteenth Report for 1990 of the Planning and Development Committee, adopted by City Council at its meeting of 1990 July 31, regarding amended Zoning Application 90-36, Carriage Gate Homes Ltd., prospective owners, be repealed and replaced with the following revised resolution:

"That approval be given to amended Zoning Application 90-36, Carriage Gate Homes Ltd., prospective owners, requesting changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), to permit the development of the subject lands for small lot single-family dwellings, for the property located at the rear parts of 1422 and 1430 Upper Sherman Avenue, as shown on the attached map marked as Appendix "D", on the following basis:

(a) That Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

(b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), for the property located at the rear parts of 1422 and 1430 Upper Sherman Street.

The effect of the by-law is to permit the development of the subject lands for small lot single-family dwellings".

ZONING APPLICATIONS

13. **Zoning Application 90-06, Agomen Group 1 Limited, owner, for a modification to the "H" District regulations for properties at 260 - 280 King Street East; Beasley Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 13, respecting the above-noted zoning application. The staff recommendation recommended **DENIAL** of the original application with a suggested amended zoning application for a mixed commercial/residential building on the properties. The staff recommendation for **DENIAL** of the original application to permit a 12 storey mixed commercial/residential building was based on the following reasons:

(a) Approval of the application would be contrary to sound Traffic Planning principles, in that the proposed loading space arrangement would interfere with the efficient and safe movement of traffic along this portion of King Street East;

(b) The proposed bulk, scale and density of development would be incompatible and out of character with the established development in this area which is predominantly comprised of 3 to 4 storey mixed commercial/residential buildings;

(c) It represents an over intensification of land use, in that the gross floor area is approximately 58% greater than what is presently permitted for a lot of this size under the established "H" District zoning; and,

(d) Approval of the application would encourage other similar applications in this area which, if approved, would undermine the intent of the Official Plan and the Zoning By-Law.

The Committee was in receipt of the following letters of submission:

(a) Chairman, Board of Management, International Village B.I.A.
(b) Jurise Berzins, Village Gate Condominiums
(c) Petition - Merchants of the International Village B.I.A.
(d) Marvin Caplan, Marvin Caplan Gentlemen's Apparel
(e) Jon Zemitis and Vija Darkevia
(f) Peter Mandia, Executive and Artistic Director, Theatre Aquarius

The report of the circularization was given as follows:

422 notices sent 57 in favour 2 opposed

The architect for the project showed the Committee a model of the proposed development and spoke briefly about the type of development which they wish to place on the property at King Street East.

The Committee then discussed this matter and agreed to **APPROVE** this application to permit a mixed commercial/residential building on the property on King Street as follows:

(a) That approval be given to amended Zoning Application 90-06 Agomen Group I Ltd., owners, for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations to permit a mixed commercial/residential building on property located at 260-280 King Street East, as shown on the attached map marked as Appendix "E", on the following basis:

(i) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the lands shown on Appendix "E", be modified to provide for the following variances as special provisions:

(1.) That notwithstanding Sections 14(1)(iiia), 14(2) and 14(5) a mixed commercial/residential building shall be permitted provided:

(a) It has a maximum of 127 dwelling units;

(b) It has a maximum building height of 12 storeys;

(c) It has a maximum gross floor area ratio of 6.31; and,

(d) The multiple dwelling is attached to only commercial use(s) permitted under the "CR" (Commercial-Residential) Districts (Section 15B(3)(b)) of Zoning By-law No. 6593.

(2.) That all residential uses shall be located completely and functionally separate from any commercial uses, and pedestrian access to the residential units shall be completely separate from pedestrian access to the commercial uses;

(3.) That a minimum of 698.0 m^2 (7,520 sq.ft.) of landscaped area shall be provided and maintained either at or above grade, or any combination thereof;

(4.) That notwithstanding Sections 18A(1)(c) and 18A(1)(d) one loading space having a minimum dimension of 18.0 m X 3.7 m X 4.3 m shall be provided and maintained on the lot;

(5.) That notwithstanding Section 18A(9) the manoeuvring space for the required loading space shall be located off-site;

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1189, and that the subject lands on Zoning District Map E-4 be notated S-1189;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to City Council;

(iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

(v) That the Beasley Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Commercial and Apartments".

(b) That By-law 79-275, as amended by By-law 87-223, establishing Site Plan Control, be amended by adding the lands shown on the attached map marked as Appendix "E" to Schedule "A".

(c) That the amending By-law not be forwarded for passage by City Council until the applicant has applied for and received approval of a Site Plan registered on title.

(d) That demolition of the building be subject to Demolition Control under Section 33(6) of The Planning Act R.S.O.

NOTE: The purpose of the By-law is to provide for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations, applicable to the lands located at 260-280 King Street East.

The effect of the By-law is to permit the development of the subject lands for a mixed commercial/residential building having approximately 1,360.0 m^2 (14,640 sq.ft.) of ground floor retail commercial space, and 127 dwelling units (apartments).

In addition, the By-law provides for the following variances as special requirements:

(a) That the maximum gross floor area of the building be restricted to 6.31 X lot area;

(b) That the building height be restricted to a maximum of 12 storeys;

(c) That only the commercial uses as set out under the "CR" (Commercial- Residential) Districts shall be permitted in conjunction with residential uses;

(d) That all residential uses shall be located completely and functionally separate from any commercial use, and pedestrian access to the residential units shall be completely separate from pedestrian access to the commercial uses;

(e) That a minimum landscaped area of 698.0 m^2 (7,520 sq.ft.) shall be provided and maintained either at or above grade, or any combination thereof.

(f) That one loading space having a minimum dimension of 18.0 m X 3.7 m X 4.3 m shall be provided and maintained on the lot;

(g) That the manoeuvring space for the required loading space shall be located off-site.

14. **Zoning Application 90-43, 668850 Ontario Ltd. (A. Tuite and L. Centurami), owner, for a change in zoning from "AA" to "C" and "HH" for properties at 69 and 75 Rymal Road East; Ryckmans Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 6, respecting the above-noted zoning application and the Committee approved the following:

That approval be given to amended Zoning Application 90-43, 668550 Ontario Limited (A. Tuite and L. Centurami), owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1"), and from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District (Block "2"), to permit single-family development on Block "1" and commercial development on Block "2", for property located at 69 and 75 Rymal Road East, as shown on the attached map marked as Appendix "F", on the following basis:

(a) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(b) That the lands described as Block "2" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;

(c) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the lands described as Block "2", be modified to include the following variances as special requirements:

(i) That a minimum 1.5 m wide planting strip, and a visual barrier not less than 1.2 m and not greater than 2.0 m in height, shall be provided and maintained along the easterly side property line;

(ii) That Section 2 of By-law No. 86-273 be amended by deleting the words "of Block 2 and along the easterly lot lines of Blocks 2 and 3" in the last paragraph, and by adding the wording; "and along the northerly 53.40 m portion of the easterly lot line of Block 2", so that the revised paragraph reads as follows:

"...shall be provided and maintained along the northerly lot line and along the northerly 53.40 m portion of the easterly lot line of Block 2".

(d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-980a, and that the subject lands on Zoning District Map E-9D be notated S-980a;

(e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council;

(f) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,

(g) That the Ryckmans Neighbourhood Plan be amended by redesignating Block "2" from "Single and Double Residential" to "Commercial".

NOTE: The purpose of this By-law is to provide for changes in zoning for property located at 69 and 75 Rymal Road East, on the following basis:

(a) Block "1" - Change from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

(b) Block "2" - Change from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District.

The effect of the By-law is to permit single-family residential development on Block "1", and commercial development (office complex and auto sales) on Block "2".

In addition, the By-law provides for the following modification as a special requirement:

A minimum 1.5 m wide planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, to be provided and maintained along the easterly side property line of Block "2".

15. <u>Zoning Application 90-50, C. Spera-Fazackerly, owner, for a modification to the "C" District regulations for property at 1 Mount Royal Avenue; Kirkendall South Neighbourhood.</u>

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 30, respecting the above-noted zoning application.

Report of the circularizations were given as follows:

219 notices sent, 9 in favour, 47 opposed and 38 letters of opposition received from people outside of the circularization district.

The Solicitor for the owner spoke to the Committee outlining the reasons why the application should be approved.

Mr. David Nicholson, 5 Mount Royal Avenue spoke on behalf of many people in the area in opposition to the application.

Mr. Hutley, 3 Mount Royal Avenue also spoke for numerous neighbours in opposition to the application and referred to his letter dated 1990 September 17. He also made mention of an opposition petition of over 90 signatures.

The Committee was also in receipt of the following submissions:

(a) Alderman T. Cooke
(b) Ceserino Giacinti and Ursula Giacinti, 1 Mount Royal Avenue
(c) Mr. and Mrs. Ihlenfeldt, 26 Mount Royal Avenue
(d) Mr. and Mrs. Hutley, 3 Mount Royal Avenue

The Committee then discussed this matter and **APPROVED** the following **DENIAL** recommendation:

> That Zoning Application 90-50, Christine Spera-Fazackerly, owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to legalize the existing three-family dwelling, for property located at 1 Mount Royal Avenue, as shown on the attached map marked as Appendix "G", be **DENIED** for the following reasons:
>
> (a) It does not comply with the intent of the Official Plan;
>
> (b) It would be an undesirable intrusion of a three-family dwelling into an area that is predominantly single-family dwellings;
>
> (c) It is an overintensification of land use, in that only one parking space can be provided on-site whereas four are required;
>
> (d) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the By-law and alter the character of the neighbourhood; and,
>
> (e) It is premature pending the completion of the Housing Intensification Study.

16. <u>Zoning Application 90-52, Malatesta Brothers Construction, owner, for a change in zoning from "AA" and "C" to "RT-20" for land municipally known as 1461 Upper Gage Avenue; Templemead Neighbourhood.</u>

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 7, respecting the above-noted zoning application.

Mr. Nick Philips, architect and representative for the owner, was in attendance and spoke to the Committee on the reasons why this application should be approved.

The Committee then discussed this matter and approved the following:

> That approval be given to an amended Zoning Application 90-52, Malatesta Brothers Construction, owners, requesting changes in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District (Block "2"), to permit the development of the subject lands for townhouses or maisonettes, for the property located at 1461 Upper Gage Avenue, as shown on the attached map marked as Appendix "H", on the following basis:

(a) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;

(b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District;

(c) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:

(i) That Section 10E(2)(a)3 shall not apply;

(ii) That a minimum 3.0 m wide planting strip shall be provided and maintained along the easterly lot line;

(iii) That a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the easterly lot line;

(d) That the City Solicitor be directed to prepare a By-law to amend By-law No. 6593 and Zoning District Maps E-49C and E-49D for presentation to City Council;

(e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1190, and that the subject lands on Zoning District Maps E-49C and E-49D be notated S-1190;

(f) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District modified (Block "1") and from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District modified (Block "2"), for the property located at 1461 Upper Gage Avenue.

The effect of the by-law is to permit future development of the subject lands for townhouses or maisonettes. In addition, the by-law provides for the following variances as special provisions:

(a) No street townhouses will be permitted;

(b) A minimum 3.0 m (10 foot) wide planting strip shall be provided and maintained along the easterly lot line; and,

(c) A 1.2 m (4 foot) to 2.0 m (6.6 foot) high visual barrier shall be provided and maintained along the easterly lot line.

17. **Zoning Application 90-49, Mintland Developments Inc., owner, for a change in zoning from "E" to "H" properties at 252, 256, 260 and 262 Victoria Avenue North; Landsdale Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 11, respecting the above-noted zoning application.

Report of the circularization was given as follows:

338 notices sent 22 in favour 2 opposed

Mr. Milton Lewis, Solicitor for the owner and Mr. Siddiqui, Planning Consultant were in attendance to speak to the application. A letter from Mr. Siddiqui to Mr. Lewis was submitted to the Committee requesting an amendment to delete a loading space requirement.

Mr. Harvey Moote, 216 West Avenue spoke to the Committee in opposition to the application. He expressed concerns at the parking impact which would be felt if the application was approved and indicated that the area is already infringed upon with abutting commercial businesses.

The Committee discussed this matter and approved the following amended recommendation in accordance with the applicant's request for an amendment to delete a loading space:

(a) That approval be given to amended Zoning Application 90-49 Mintland Developments Inc., owner, requesting a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District, to permit a two (2) storey building containing retail commercial uses on the ground floor and professional offices including dental and medical offices on the second floor, for property located at 252, 256, 260, and 262 Victoria Avenue North, as shown on the attached map marked as Appendix "I", on the following basis:

(i) That the lands described as Block 1 be rezoned from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District.

(ii) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks "1" and "2" be modified to include the following variances as special requirements:

(1.) That Section 18(3)(ivc)(b) shall not apply;

(2.) That Sections 18A(11) and (12)(a) shall not apply;

(3.) That Section 18A(1)(d) shall not apply;

(4.) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the westerly lot line of Block "1" adjoining Victoria Avenue North, except for any area(s) used for vehicular access.

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1191, and that the subject lands on Zoning District Map E-12 be notated S-1191.

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-12 for presentation to City Council.

(v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(b) That By-law No. 79-275, as amended by By-law No. 87-233, establishing Site Plan Control be amended by adding the lands described as Blocks 1 & 2, on the attached Appendix "I" to Schedule "A".

NOTE: The purpose of the By-law is to provide for a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District for property located at 252, 256, 260, and 262 Victoria Avenue North.

The effect of the By-law is to permit a two (2) storey building containing retail commercial uses on the ground floor and professional offices including dental and medical offices on the second floor.

In addition, the By-law provides for the following variances as special requirements:

(a) To exempt the development from the required 3.0 m wide planting strip along the southerly rear lot line adjoining a residential district (Section 18(3)(ivc)(b));

(b) To exempt the development from the requirement of a 1.5 m setback for a parking or loading space which adjoins a residential district boundary; the minimum front yard setback for a parking area within 3.0 m of a residential district; and the requirement of a landscaped planting strip between the parking area and the residential district (Section 18A(11) and (12)(a));

(c) To exempt the development from the requirement of a loading space (Section 18A(1)(d));

(d) To require a minimum 3.0 m wide landscaped planting strip to be provided and maintained along the westerly lot line of Block "1" adjoining Victoria Avenue North, except for any area(s) used for vehicular access.

18. **Zoning Application 90-55, Intermediate Terminals, Division of Canpac International Freight Services Limited, owner, for a modification to the "KK" District regulations for property at 400 Grays Road; Grayside Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 13, respecting the above-noted zoning application.

Mr. Mark Floater, architect for the project was in attendance to speak to the Committee on the requested approval of their application.

The Committee then approved the following:

(a) That approval be given to Zoning Application 90-55, Intermediate Terminals, Division of Canpac International Freight Services Ltd., owner, requesting a modification to the "KK" (Restricted Heavy Industry, etc.) District regulations, to permit Canada Customs, customs brokers, bonded carriers, and ancillary office uses (sufferance warehouse) to occupy more than 15% of the floor area, for the property located at 400 Grays Road, as shown on the attached map marked as Appendix "J", on the following basis:

(i) That the "KK" (Restricted Heavy Industrial) District regulations as contained in Section 17A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

(1.) That Section 17A(1)(aa) and Section 16A(1)(h) shall not apply to ancillary office space used by Canada Customs, customs brokers, bonded carriers, and a sufferance warehouse.

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1192, and that the subject lands on Zoning District Map E-123 be notated S-1192;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-123 for presentation to City Council;

(iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(b) That By-law No. 79-275, as amended by By-law No. 87-233, establishing Site Plan Control be amended by adding the subject lands to Schedule "A".

NOTE: The purpose of the by-law is to provide for a modification to the "KK" (Restricted Heavy Industrial, etc.) District regulations for the property located at 400 Grays Road.

The effect of the by-law is to permit ancillary office space for Canada Customs, customs brokers, bonded carriers, and a sufferance warehouse to occupy more than 15% of the floor area.

19. <u>Zoning Application 90-13, 687469 Ontario Inc. (R. and T. Yates) owner, for a change in zoning from "AA" and "C" to "G" for properties at 1451, 1459, 1465 and 1469 Upper James Street; Ryckmans Neighbourhood.</u>

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 13, respecting the above-noted zoning application.

The report of the circularization was given as follows:

43 notices sent 6 in favour 2 opposed

Mr. Steven Hill, on behalf of the applicant spoke in favour of the staff recommendation recommending approval of their application.

Mr. Morris, 1452 Upper James Street spoke in opposition to this application since it is a variance from the approved neighbourhood plan.

The Committee was in receipt of a letter of submission from Dr. Robert C. Dickson, 1428 Upper James Street.

Discussion ensued on this matter and the Committee agreed to change the staff recommendation to **DENY** the amended zoning application and **APPROVED** the application as follows:

(a) That amended Zoning Application 90-13, R. Yates and T. Yates, prospective owners, requesting an Official Plan Amendment and changes in zoning from "AA" (Agricultural) District to "G" - "H" (Neighbourhood Shopping Centre, etc.) Holding District for Block "1", from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District for Block "2" and from "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District for Block "3", to permit future development of the subject lands as a neighbourhood shopping centre in conjunction with the adjoining lands to the south, for property located 1451, 1459, 1465 and 1469 Upper James Street, as shown on the attached map marked as Appendix "K", be **DENIED** on the following basis:

(i) It conflicts with the intent of the Official Plan which designates Block "1" as "Residential"; and,

(ii) It conflicts with the intent of the approved Ryckmans Neighbourhood Plan which designates Block "1" for "Low Density Apartments".

(b) That approval be given to amended Zoning Application 90-13, R. Yates and T. Yates, prospective owners, for changes in zoning from "AA" (Agricultural) District to "DE" - "H" (Low Density Multiple Dwellings) Holding District for Block "1", from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District for Block "2" and from "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District for Block "3", to permit future development of Block "1" as low density apartments, and to permit development of Blocks "2" and "3" as a neighbourhood shopping centre in conjunction with the adjoining lands to the south, for property located 1451, 1459, 1465 and 1469 Upper James Street, as shown on the attached map marked as Appendix "L", on the following basis:

(i) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act, R.S.O., to Block "1", by introducing the holding symbol "H" as a suffix to the proposed Zoning District which will prohibit the development of the subject lands until land assembly with the adjoining lands to the south takes place and a site plan is approved for the assembled lands.

Removal of the holding restriction shall be conditional upon:

(1.) The applicants assembling the adjoining lands to the south up to the proposed mid-block collector road; and,

(2.) approval of site plans for the assembled lands.

City Council may remove the "H" symbol, and thereby give effect to the "DE" District provisions as stipulated in this By-law by enactment of an amending By-law once land assembly has taken place and a site plan is approved for the assembled lands.

(ii) That Block "1" be rezoned from "AA" (Agricultural) District to "DE" -"H" (Low Density Multiple Dwellings) Holding District;

(iii) That Block "2" be rezoned from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District;

(iv) That Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District;

(v) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations, as contained in Section 13 of Zoning By-law No. 6593, applicable to Blocks "2" and "3", be modified to include the following variances as special provisions:

(1.) That notwithstanding Section 13.(1), the following additional commercial uses shall be permitted:

(a) A liquor dispensary;
(b) A brewer's retail store; and,
(c) A video store.

(2.) That notwithstanding Section 13.(1)(xiv), a theatre with seating capacity for not more than one thousand persons shall be permitted;

(3.) That Section 13.(3)(ii) shall not apply to the southerly boundary;

(4.) That notwithstanding Section 13.(3)(i), a front yard of not less than 6.0 m shall be provided and maintained for that portion of any building located within 22 m of the southerly boundary of Block "3";

(5.) That a minimum 3.0 m wide landscaped strip shall be provided and maintained along the entire easterly boundary of Block "2";

(6.) That a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire easterly boundary line of Block "2";

(vi) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1193, and the subject lands on Zoning District Map E-9D be notated S-1193;

(vii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council;

(viii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,

(ix) That the Ryckmans Neighbourhood Plan be amended by redesignating part of Blocks "2" and "3" from "Commercial and Retail Warehouse" to "Neighbourhood Commercial".

(c) That the amending By-law not be forwarded for passage by City Council until such time as:

(i) The City Solicitor has been notified by Bayfield Green Developments Ltd. (owner of 1471 Upper James Street) that the rezoning applicants have entered into an agreement satisfactory to Bayfield Green to provide a permanent right-of-way to Blocks "2" and "3" (Appendix "L") to connect property municipally known as 1471 Upper James Street with the proposed access point to Upper James Street on the lands being rezoned; and,

(ii) The applicants apply for and receive approval of site plans incorporating the applicable "Urban Design Guidelines for Upper James Street" for Blocks "2" and "3" (Appendix "L"), including the adjoining lands to the south known as 1471 Upper James Street.

NOTE: In regard to Block "1", the amending By-law establishes the holding provisions of Section 35(1) of the Planning Act, R.S.O., by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until an assembly with the lands to the south has taken place and a site plan is approved for the assembled lands. Removal of the holding restriction shall be conditional upon land assembly with the lands to the south, site plan approval for the assembled lands, and the passage of an amending By-law to remove the "H" symbol, and thereby giving effect to the "DE" District provisions.

With regard to Blocks "2" and "3", the purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District for Block "2" and from "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District for Block "3" for properties located at 1451, 1459, 1465, and 1469 Upper James Street.

The effect of the By-law is to permit future development of Block "1" for low density apartments, in conjunction with the adjoining lands to the south. With regard to Blocks "2" and "3", the purpose of the By-law is to permit commercial development of the subject lands, for which the By-law provides for the following special requirements:

(a) The following additional commercial uses shall be permitted on Blocks "2" and "3": a video store, a brewers' retail outlet, a liquor store, and a theatre with a seating capacity of not more than 1,000 persons;

(b) No side yard along the southerly boundary of Blocks "2" and "3" whereas a 4.5 m side yard is required;

(c) A minimum front yard of 6.0 m (20 feet) instead of the required 24.0 m (80 feet) for that portion of any building within 22 m (72 feet) of the southerly boundary of Block "3";

(d) A minimum 3.0 m wide landscaped strip be provided and maintained along the entire easterly boundary of Block "2"; and,

(e) A visual barrier of not less than 1.2 m in height and not more than 2.0 m in height be provided and maintained along the entire easterly boundary of Block "2".

ADDED - HOUSING INTENSIFICATION STUDY

Mr. D. Godley of the Planning Department advised the Committee for information purposes that per the Chairman's request, that the Housing Intensification Study report will be brought forward to a regular meeting of the Planning and Development Committee for review and that following that the Housing Intensification Study report will be brought back to a meeting of the Planning and Development Committee which is advertised to the City as a public meeting for their input and the Committee's decision.

20. Proposed Plan for the north-west section of the Gourley Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 28, respecting the above-noted matter.

Mr. Butterworth, 802 West 5th Avenue was in attendance and spoke on the proposals.

The owner of property at 407 Brigadoon Avenue, representing the Gourley Neighbourhood was in attendance and questioned the proposed retirement village development.

A question was also asked of staff with respect to the definition of "innovative housing" and Mr. David Godley of the Planning Department responded.

Mr. Ward Campbell of Starward Homes spoke on the innovative housing aspects of the staff report and suggested that the "Charlie" type of housing which was recently built as a display model on the Board of Education property downtown would be his version of innovative housing and that they are looking at innovative housing of such a nature of the property they own in the Gourley Neighbourhood.

The Committee then approved the following:

That the proposed plan for the north-east section of the Gourley Neighbourhood, attached herewith and marked Appendix "M" (Map 1), be approved.

DIRECTOR OF LOCAL PLANNING

21. Request for removal of the "H" (Holding Symbol) - 15 Beaverton Drive (ZA90-64).

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 30, respecting the above-noted zoning application and the Committee approved the following:

That approval be given to Zoning Application 90-64, Salci Developments, owner, requesting the removal of the "H" (Holding) symbol provision under Section 35(1) of the Planning Act, and the City Solicitor be directed to prepare a By-law for submission to City Council for the property located at 15 Beaverton Drive, as shown on the attached map marked as Appendix "N".

NOTE: The purpose of the By-law is to remove the "H" Holding symbol for property located at 15 Beaverton Drive. The holding provision was established for this property to prohibit development of the subject lands until such time as municipal services are available and a draft plan of subdivision has been approved by the Regional Municipality of Hamilton-Wentworth. In this regard, the draft plan of subdivision was approved in February of 1990. Arrangements for servicing will be completed prior to the final registration of the subdivision under the requirements of the draft plan approval.

The effect of the By-law is to permit the future development of the subject lands for fifteen small lot-single family dwellings.

22. Zoning Application 90-60, Alfrin Enterprises, owner for 73 Garfield Avenue South - request for direction.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 11, asking the Committee's direction with respect to a recently received zoning application for 73 Garfield Avenue South which is not substantially different from that previously denied by the Planning and Development Committee at its 1990 May 23 meeting. The report indicated that the practice of the Committee has been not to consider a substantially identical application from an applicant for at least a 1 year period.

The Committee discussed this matter and directed that this zoning application be processed in the normal fashion and heard by the Planning and Development Committee in due course and that the practice of not hearing an application for a 1 year period not be applied.

23. By-law to remove part-lot control from Lots 4 and 5, Registered Plan No. 1059; Randall Neighbourhood (RPLIC No. 67).

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 13, respecting the above-noted matter and approved the following:

(a) That the City Solicitor be directed to prepare a by-law to remove part-lot control from Lots 4 and 5, Registered Plan No. 1059, for presentation to City Council.

That the by-law take effect on the date of approval by the Regional Municipality of Hamilton-Wentworth; and,

That the by-law continue in force for a term not to exceed 6 months from the date of its registration.

(b) That the Region be requested to approve the by-law removing part-lot control on the above-noted Lots 4 and 5 of Registered Plan No. 1059.

(c) That upon the fulfilment of the above condition and within 6 months of registration of the by-law, the City Solicitor prepare a repealing by-law to reinstate part-lot control on the subject property, for presentation to City Council.

24. **Site Plan Control Application 90-64, L. and M. DelSordo, owners, for land municipally known as 205 Nebo Road; Rymal Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 11, respecting the above-noted matter.

The staff recommendation recommended **DENIAL** of the application for the following reasons:

(a) The proposed 3.048m setback is contrary to the 5.4m minimum setback required for pylon signs within the M-14 zoning district along Nebo Road; and furthermore,

(b) Approval of the proposed setback would set an undesirable precedent for future applications requesting reduced setbacks along Nebo Road and within the industrial area.

Mr. Delsordo was in attendance and spoke to the Committee on his desire to have his application approved.

The Committee then **APPROVED** the recommendation as follows:

That approval be given to Site Plan Control Application DA-90-64, to amend DA-89-15 by Luigi & Maria Delsordo, owners of lands known as 205 Nebo Road for a pylon sign subject to the following:

Approval by the Committee of Adjustment for the variance to reduce the required setback from 5.4m to 3.0m.

ADJOURNMENT

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN F. LOMBARDO, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1990 September 19

Wednesday, 1990 October 3
9:00 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman F. Lombardo, Chairman
Alderman D. Drury, Vice-Chairman
Mayor Robert M. Morrow
Alderman M. Kiss
Alderman W. McCulloch
Alderman D. Ross
Alderman H. Merling

Also present: Alderman D. Agostino
Alderman T. Murray
Alderman B. Hinkley
Mr. Kelterborn, Board of Education
Mr. A. Georgieff, Director of Local Planning
Ms. N. Chapple, Planning Department
Mr. B. Allick, Building Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. K. Brenner, Regional Engineering Department
Mr. R. Karl, Traffic Department
Mr. D. Godley, Planning Department
Mr. M. Watson, Real Estate Division, Property Department
Ms. Patrice Noé Johnson, City Solicitor
Ms. J. Hickey-Evans, Planning Department
Mr. B. Sugden, Director of Culture and Recreation
Ms. V. Grupe, Planning Department
Mr. S. Chang, Architectural Division, Property Department
Mrs. Susan K. Reeder, Secretary

1. CONSENT AGENDA

A. ADOPTION OF THE MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE:

Minutes of the Meeting of the Planning and Development Committee held on Wednesday, 1990 August 22nd.

The Committee was in receipt of the minutes of their meeting held Wednesday, 1990 August 22nd and approved these minutes.

BUILDING COMMISSIONER - DEMOLITION PERMIT APPLICATIONS

B.& C. **2553 Barton Street East, 373 Sherman Avenue North.**

The Committee was in receipt of a reports from the Building Commissioner, respecting the above-noted Demolition Permit Applications and approved the following:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

(a) 2553 Barton Street East
(b) 373 Sherman Avenue North

DIRECTOR OF LOCAL PLANNING

D. **By-law to remove Part-lot control from Lots 1-30, 53-67, 69-138 inclusive "140" of Registered Plan 62M-639.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 26, respecting the above-noted matter and the Committee approved the following:

(a) That the City Solicitor be directed to prepare a by-law to remove part-lot control from Lots 1 to 30, 53 to 67, 69 to 138 inclusive, and Block "140" of Registered Plan 62M-639, for presentation to City Council

(b) That the by-law take effect on the date of approval by the Regional Municipality of Hamilton-Wentworth; and,

(c) That the by-law continue in force for a term not to exceed 1 year from the date of its registration.

(d) That the Region be requested to approve the by-law removing part-lot control on the above-noted Lots 1 to 30, 53 to 67, 69 to 138 inclusive, and Block "140" of Registered Plan 62M-639.

(e) That upon the fulfilment of the above conditions, and within 1 year of registration of the by-law, the City Solicitor prepare a repealing by-law to reinstate part-lot control on the subject property, for presentation to City Council.

NOTE: The lands are located south of Rymal Road East and east of Upper Gage Avenue in the Broughton East Neighbourhood, City of Hamilton. The lands are part of Lillian Heights, a plan of subdivision which was registered in part as R.P. M-639.

REGULAR AGENDA

ALDERMAN B. HINKLEY

2. **20 Huron Street**

The Committee was in receipt of a memorandum from Alderman B. Hinkley, dated 1990 September 17, requesting that he be allowed an opportunity to speak to the Committee with respect to drainage problems being experienced by Mr. Harold Tarbutt of 20 Huron Street. Mr. Tarbutt, was in attendance with Alderman Hinkley at the meeting.

Alderman Hinkley outlined the difficulties being experienced by Mr. Tarbutt with respect to water run-off from his neighbour who lives at 18 Huron Street and made reference to the memorandum he had received from the Director of Inspections, Building Department which was also presented to the Committee for their background information.

Considerable discussion ensued on this matter and possible methods which could be arrived at to address Mr. Tarbutt's difficulties and the Committee then agreed that this issue be referred to the City Solicitor for a report to come back to them for their next meeting to be held on 1990 October 24, to suggest possible alternatives which could be considered for implementation in assisting Mr. Tarbutt in the difficulty he is encountering with drainage from his abutting neighbour.

3. **780 Main Street East**

The Committee was in receipt of correspondence forwarded to Alderman Hinkley from the Director of Inspections, Building Department respecting property at 780 Main Street East and its relationship to the Rental Housing Protection Act. Mr. John, property owner, was in attendance along with a representative of the local school Parent's Association who were expressing concerns at the derelict condition of the Main Street East property.

Considerable discussion ensued on this matter and it was agreed that the City Solicitor be directed to **AMEND** City of Hamilton By-law 87-28, respecting Inspection and Fees under the Rental Housing Protection Act, 1986 to waive fees and process the application for demolition on this property as it applies under the Rental Housing Protection Act.

In response to the request of the representative of the Parent's Association, it was agreed that the Police be asked to patrol the site on the week-ends to prevent children from getting onto the site and possible harm which could result.

SECRETARY'S NOTE:

Prior to the Committee moving into consideration of Zoning Applications, the Committee moved reconsideration of the above-noted Item, since additional information had come forward in the time period between.

The Committee was advised that further to the Building Department's zoning verification, it was clarified that this property did not fall under the Rental Housing Protection Act and accordingly, the Planning and Development Committee thus **APPROVED** the following recommendation:

> That the Building Commissioner be authorized to issue a demolition permit for the following property:
>
> 780 Main Street East

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

4. **Durand South (Markland Street Area) - Heritage Conservation District Study.**

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1990 September 25, and approved the following:

(a) That a Heritage Conservation District Study and Plan for the area of Durand South which includes Markland Street (James Street South to Bay Street South), Chilton Place, and MacNab Street South (between Charlton Avenue West and Markland Street) be undertaken; and

(b) That the Planning Department be directed to submit an application to the Ministry of Culture and Communication for a Heritage Conservation District Study; and,

(c) That the Solicitor's Department be directed to prepare a by-law defining Durand South (Markland Street area) as an area to be examined for future designation as a heritage conservation district.

NOTE: A petition was submitted by the property owners to the Planning Department with 26 signatures requesting the Heritage Conservation District Study and Plan.

5. **Designations.**

(a) 988 Concession Street (Mountain Brow)

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee, dated 1990 September 25, respecting designation of property at 988 Concession Street.

The Committee approved the following:

(a) That approval be given to the "Intent to Designate" the house at 988 Concession Street (originally known as Inkermann Cottage) as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked as Appendix "A"; and,

(b) That the City Solicitor be authorized and directed to take the appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

NOTE: Designation of this property is at the request of the current owners.

(b) 74 Charlton Avenue East.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee, dated 1990 September 25, respecting designation of 74 Charlton Avenue East.

The Committee approved the following:

(a) That approval be given to the "Intent to Designate" the house at 74 Charlton Avenue East as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked as Appendix "B"; and,

(b) That the City Solicitor be authorized and directed to take the appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

NOTE: The lawyer for the St. Elizabeth Home Society has advised LACAC that his client has consented to designation.

REFERRAL BY CITY COUNCIL

6. **Correspondence - Resolution - City of Brampton - Residential Development Freeze.**

The Committee was in receipt of a memorandum from the City Clerk dated 1990 September 26, advising that City Council at its meeting held 1990 September 25, referred the resolution of the City of Brampton to the Planning and Development Committee for consideration and recommendation. The Committee agreed to **RECEIVE** this resolution for information purposes only.

ADDED - MEETING START TIME

The Committee discussed the start time for the Committee meetings and agreed to move their start time from 9:00 o'clock a.m. to 9:30 o'clock a.m.

ZONING APPLICATIONS

7. **Zoning Application 90-59, Slovenian Society of St. Joseph Hamilton, lessee, for a change in zoning from "C" and "L-mr-1" to "DE-3" for the rear part of property at 125 Centennial Parkway North; Kentley Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 27, respecting the above-noted amended Zoning Application.

Results of the circularization were given as follows:

327 notices sent 14 in favour 5 opposed

Mr. David Barinowski, agent and Mr. Solaski, architect for the lessees of the property spoke to the Committee and outlined their proposed project.

The owner of property at 18 Fairington Crescent spoke to the Committee in opposition to the application. He felt that the notice of the meeting was not sent out early enough for people to change their schedules to attend. He also said that the map was old and not up to date. He added that he feels that the 3 storey building will block his sun, invade his privacy and force him to move. He added that he wishes to have the building located on a different spot on their property so that it does not abut their back yard. He added that he would not be opposed if the parking lot was abutting their properties rather than the building. He also spoke of a petition of neighbours from his area who are also concerned and submitted that petition to the Secretary. He said that neighbours had contemplated hiring a lawyer to defend them but that they could not raise sufficient money to do so.

Mr. DelSardo, 14 Fairington Crescent spoke in opposition to the application and also added that he wishes to have the building moved to the east side of the property.

The owner of property at 20 Fairington Crescent also reiterated the above speakers and added he wish to have the building located in another area of the very large property.

The owner of 6 Fairington Crescent spoke and added that he is not in opposition to the building but rather its location on the property which he feels would devalue his home.

The applicant then responded and advised the Committee that they had looked at alternate sites on the property for building but for various reasons which he outlined they felt that the site chosen was the site most appropriate. He also read from a recent study from the Ministry of Housing dated 1989 September 22, which indicated that Non-Profit Housing does not devalue existing property values. He indicated to the Committee that he wishes his application to stand as submitted.

The Committee then discussed this matter at some length and agreed to **TABLE** the above-noted zoning application in order that all parties can get together to possibly reach an amicable resolve to the location of the building on the property.

8. **Zoning Application 90-57, Andy Robertson, applicant, for a modification to the "C" District regulations for land at 25 Hester Street; Greeningdon Neighbourhood. (Mountain Arena).**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 26, respecting the above-noted zoning application.

Mr. Andy Robertson, 240 Bendamere Avenue and the applicant for this zoning application spoke to his request and outlined his numerous reasons why he did not agree with the staff report recommending denial of his application.

The Committee then **APPROVED** the following **DENIAL** recommendation:

> That amended Zoning Application 90-57, A Robertson, applicant, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit only those facilities in existence as of 1990 June 6, for property located at 25 Hester Street, as shown on the attached map marked as appendix "C", be **DENIED** for the following reasons.
>
> (a) The Mountain Arena site is in an established urban area and currently provides recreational facilities to the West mountain area of the City. It is intended to provide active recreational facilities. In this respect, limiting the types of permitted uses is inappropriate given the nature, current functions, and intended use of the Mountain Arena site;
>
> (b) The Zoning Application was submitted without the owner's (City) consent. Approval of a zoning application submitted by a person or persons for another landowner's property is an attempt to affect the proprietary rights of the owner of the land in question by altering the uses permitted as-of-right in the City's General Zoning By-law. In this regard, such a rezoning would impose a hardship on the lands in question and unreasonably affect the owner's use of such land.

(c) Approval of the application would set an undesirable precedent in that any person could attempt to limit the use of City owned land simply by bringing forth an application for rezoning which may or may not be in the City's interests.

(d) The application is premature until a Parks Master Plan and an associated review of zoning for parks and recreational facilities is undertaken by the City.

The Committee was made aware that someone in the audience wished to speak on the above-noted zoning application and accordingly, Mr. Sam Wiers, 102 Ridge Street spoke to the Committee briefly and indicated that he was opposed to the denial of this zoning application.

9. Zoning Application 90-08, G. McMillan and B. Frame, owners, for a modification to the "H" District regulations for property at 610 and 612 King Street East; Landsdale Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 26, respecting the above-noted zoning application.

Report of the circularization was given as follows:

399 sent 7 in favour 13 opposed

The applicants and owners of the property spoke to the Committee with respect to their application and requested approval.

The Committee then approved the following:

(A) That Zoning Application 90-08, Greg McMillan and Bob Frame, owners, requesting a modification of the established "H" (Community Shopping and Commercial, etc.) District regulations for property at 610 and 612 King Street East, as shown on the attached map marked as appendix "D", be **DENIED** for the following reasons:

(a) It represents an overintensification of use, in that the proposed dwelling units could not satisfy the basic requirements for conversion in the Zoning By-law which requires a minimum floor area of 65 m^2 for all dwelling units whereas the average minimum floor area proposed would be only 43.66 m^2 for the new units.

(b) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law and change the character of the area.

(B) That approval be given to an amended Zoning Application 90-08, Greg McMillan and Bob Frame, owners, requesting a modification of the established "H" (Community Shopping and Commercial, etc.) District regulations for property at 610 and 612 King Street East, as shown on the attached map marked as appendix "D", on the following basis:

(a) That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:

(i) that notwithstanding Section 14 of the Zoning By-law, a multiple dwelling containing a maximum of 12 dwelling units, shall be permitted within the existing building;

(ii) that the 2 dwelling units located within the basement of the existing building shall have a minimum floor area of 65 m^2;

(iii) that notwithstanding Section 18A Table l(g), a minimum of 12 parking spaces shall be provided and maintained on the lot;

(iv) that Section 18A(1)(c) and (24)(b)(i) shall not apply to the multiple dwelling existing at the date of passage of this By-law;

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1194 and that the subject lands on Zoning District Map E-13 be notated S-1194,

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-13 for presentation to City Council.

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(e) That By-law No. 79-275, as amended by By-law 87-233, establishing Site Plan Control, be amended by adding the subject lands to Schedule "A"

(f) That the amending By-law not be forwarded for passage by City Council until such time as the applicant applies for and receives site plan approval.

NOTE: The purpose of the By-law is to provide for modification to the established "H" (Community Shopping and Commercial, etc.) District Regulations for property located at 610 and 612 King Street East.

The effect of the By-law is to permit a multiple dwelling containing a maximum of 12 apartment units.

In addition, the By-law provides for the following variances as special requirements:

(a) to require a minimum floor area of 65 m^2 for the 2 apartment units established in the basement;

(b) to require a minimum of 12 parking spaces to be provided and maintained on the lot;

(c) to exempt the development from requiring one small loading space; and,

(d) to exempt the development from requiring an access driveway of a width of 5.5 m.

NOTE: Alderman Kiss and Alderman Drury opposed.

10. **Subdivision Application 90-01 and Zoning Application 90-09, 800064 Ontario Inc. (T. DiSilvestro) owner, for changes in zoning for land municipally known as 480 Rymal Road West; Falkirk East Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 25, respecting the above-noted Subdivision Application and Zoning Application.

Report of the circularization was given as follows:

185 notices sent 10 in favour 11 opposed

Mr. DiSilvestro, owner and Mr. Morgan Pirie, planner spoke to the Committee in respect to their application and requested approval. They also requested that the wording of the recommendation be changed to indicate that the services will be placed at the boundary of the property and thus be available rather than be installed as the staff recommendation indicates.

The Committee then **APPROVED** the following amended recommendation:

That approval be given to Subdivision Application 25T-90001, 880640 Ontario Inc., c/o T. DiSilvestro, owner, to establish a draft plan of subdivision on the west side of Garth Street north of Rymal Road West, subject to the following conditions:

(a) That approval apply to the plan prepared by Urbex Management Ltd., dated 1990 June 14, revised to show 130 lots, 4 blocks (Blocks "131" to "134") for development with adjacent land, 2 blocks (Blocks "136" and "137") as road widenings and daylight triangle, Block "135" for multiple housing (Townhouses), Block "130" as part of a road and Block "139" as a 0.3m reserve.

(b) That the street, the daylight triangles and the road widenings be dedicated to the City of Hamilton as public highways on the final plan.

(c) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(d) That the final plan conform to the zoning by-law approved under The Planning Act.

(e) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(f) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block on the final plan.

(g) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes.

(h) That the owner dedicate sufficient lands to the City of Hamilton to establish the property line at 18.29m from the centreline of the original Garth Street road allowance.

(i) That the owner dedicate sufficient lands to the City of Hamilton to establish a 12.19m x 12.19m daylight triangle between the widened limit of Garth Street and Claudette Gate.

(j) That access to Lots 13 and 90 is to be from the internal streets only and not Garth Street. The width of Lot 13 must be great enough to allow a 3.0m to 4.0m wide access along the west limit of the lot, outside of the daylight triangle.

(k) That the owner establish the road allowance for Claudette Gate at 26.21m from the widened limit of Garth Street for a distance of 90.0m and the road allowance of Street "A" from the 90.0m point to Lot 28 is to be established at 20.117m.

(l) That the owner eliminate the "back to back" curves on Street "A" and realign the street so that there are symmetrical road widenings on each side of the road to allow Street "A" to align centreline to centreline with Claudette Gate.

(m) That Street "B" align centreline to centreline with Roland Drive on Plan M-131 and be established with a width of 20.117m (66 feet).

(n) That the owner dedicate sufficient lands to the City of Hamilton to establish 2.0m x 2.0m daylight triangles on Lots 28 and 116.

(o) That the owner dedicate Block "130" to the City of Hamilton as a public roadway on the final plan.

(p) That the cul-de-sac bulbs be established with a 15.0m radius with a 9.0m radius transition into and out of the cul-de-sac bulbs.

(q) That Lots 127, 128 and 129 be arranged in a "Pie Shaped" manner to conform to the Neighbourhood Plan and the 20.117m bend in the road pattern that is to be established in the "Rymal Estates" (25T-83017) final plan of subdivision.

(r) That driveways on Lots 13, 14 and 15 be located at the extreme west side of each lot.

(s) That all lots and blocks on the plan not be registered until the municipal services are available to service the subject lands.

(t) That the owner shall erect a sign in accordance with Section XI of the subsequent subdivision agreement prior to the issuance of a final release by the City of Hamilton.

(u) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(v) That the subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-90001), 8000640 Ontario Inc., c/o T. DiSilvestro, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

That approval be given to amended Zoning Application 90-09, 880064 Ontario Inc. (A. DiSilvestro), owner, for a change in zoning from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc.) Holding District for Blocks "1", "2", and "3", from "AA" (Agricultural) District to "R-4" - "H" (Small Lot Single-Family Detached) Holding District for Block "4", from "AA" (Agricultural) District to "RT-20" - "H" (Townhouse - Maisonette) Holding District for Block "5", from "B-2" (Suburban Residential) District to "C" - "H" (Urban Protected Residential, etc.) Holding District for Block "6" and from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc.) Holding District modified for Block "7", to permit future development of the subject lands for single-family homes (Blocks "1", "2", "3", "6", and "7"), small lot single-family detached homes (Block "4"), and townhouses or maisonettes (Block "5"), for property located at 480 Rymal Road West, as shown on the attached map marked as appendix "E", on the following basis:

(a) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act, R.S.O., to the subject lands, by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until municipal sewers are available. Removal of the holding restriction shall be conditional upon the availability of all such municipal sewers serving the subject lands as the City deems necessary and passage of an amending By-law. City Council may remove the "H" symbol, and thereby give effect to the "C", "R-4", and "RT-20" District provisions as stipulated in this By-law by enactment of an amending By-law once municipal sewers are available.

(b) That Blocks "1", "2", "3", and "7" be rezoned from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc.) Holding District;

(c) That Block "4" be rezoned from "AA" (Agricultural) District to "R-4" - "H" (Small Lot Single-Family Detached) Holding District;

(d) That Block "5" be rezoned from "AA" (Agricultural) District to "RT-20" - "H" (Townhouse-Maisonette) Holding District;

(e) That Block "6" be rezoned from "B-2" (Suburban Residential) District to "C" - "H" (Urban Protected Residential, etc.) Holding District;

(f) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to Block "7", be modified to include the following variance as a special provision:

(i) That notwithstanding Section 9(4), a minimum lot width of 10 m and a minimum lot of area of 300 m^2 shall be permitted for the lot located at the northwest corner of Claudette Gate and Roland Road;

(g) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-Law No. 6593, applicable to Block "5", be modified to include the following variances as special requirements:

(i) That Section 10E(2)(a)3 shall not apply;

(ii) That a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height be provided and maintained along the northerly and westerly boundaries of Block "5".

(h) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1195, and that the subject lands on Zoning District Map W-27D be notated S-1195;

(i) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-27D for presentation to City Council;

(j) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(k) That the Falkirk East Neighbourhood Plan be amended by redesignating Block "5" from "single and double residential" to "attached housing".

NOTE: The amending By-law establishes the holding provisions of Section 35(1) of the Planning Act, R.S.O., on the subject lands, by introducing the holding symbol "H" as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until municipal sewers are available. Removal of the holding restriction shall be conditional upon the availability of all such municipal sewers as the City deems necessary and the passage of an amending By-law by the City Council to remove the "H" symbol, and thereby give effect to the "C", "R-4", and "RT-20" District provisions as stipulated in the amending By-law outlined below.

The purpose of the By-law is to provide for the following changes in zoning for property at 480 Rymal Road West.

(a) Blocks 1, 2 and 3 - Change from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc.) Holding District;

(b) Block 4 - Change from "AA" (Agricultural) District to "R-4" - "H" (Small Lot Single-Family Detached) Holding District;

(c) Block 5 - Change from "AA" (Agricultural) District to "RT-20" - "H" (Townhouse-Maisonette) Holding District;

(d) Block 6 - Change from "B-2" (Suburban Residential) District to "C" - "H" (Urban Protected Residential, etc.) Holding District.

(e) Block 7 - Change from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc.) Holding District, modified;

The effect of the By-law is to permit future development of the lands in the following manner:

(a) Blocks 1, 2, 3, 6, and 7 - single-family homes;

(b) Block 4 - small lot single-family detached homes;

(c) Block 5 - townhouses or maisonettes.

In addition, the By-law provides for the following variances as special requirements:

(a) - no street townhouses shall be permitted on Block "5";

(b) - a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the northerly and westerly boundaries of Block "5"; and

(c) - that the lot comprising Block "7" shall have a minimum width of 10.0m whereas 12.0m is required and a minimum lot area of 300 m^2 whereas 360m^2 is required.

11. **Zoning Application 90-56, P. Mancini, P. and J. Zourntos, P. Hatzoglow and A. Tuite, owners, for a further modification to the "G-4" District regulations for land municipally known as 30 Rymal Road East; Allison Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 26, respecting the above-noted zoning application .

Report of the circularization was given as follows:

73 notices sent 3 in favour 8 opposed

A representative for one of the owners was in attendance as well as the other owners of the property.

Mr. Henk Gaasenbeek, Planning Consultant for the owners, spoke to the Committee. He made reference to a design of the building which he displayed to the Committee. He also made a presentation on why the application should be approved. He requested that staff recalculate their figures on parking space requirements and asked that the matter be tabled in order that this could be done.

Mr. John Davidson, 39 Lister Street spoke in opposition to the application. He indicated that restaurant use was prohibited in the passed and should not be changed now. He also added that if this application was approved that the area would be further eroded by traffic spilling onto Ryckman Street and other residential streets behind the Rymal Road property.

The Committee then discussed this matter and **DENIED** the application as follows:

That Zoning Application 90-56, P. Mancini, P. and J. Zourntos, P. Hatzoglou and A. Tuite, owners, requesting a further modification to the established "G-4" (Designed Neighbourhood Shopping Area) District regulations and an Official Plan Amendment to permit a maximum of three (3) restaurant uses within the shopping plaza, located at 30 Rymal Road East, as shown on the attached plan marked as appendix "F", **be DENIED** for the following reasons:

(a) It conflicts with the intent of both the Official Plan and the proposed Allison Neighbourhood Plan.

(b) It conflicts with established policy of the Planning and Development Committee and City Council not to support high traffic generating type uses on this site, and the applicant has not submitted any additional or new information to justify changes to the established policy.

(c) It represents an over intensification of land use in that 60% of the plaza would be devoted to restaurant uses (2 or 3 separate restaurants). If the number of parking spaces required was calculated using the restaurant requirement instead of the Shopping Centre ratio, the proposal would need approximately 90 spaces (based on the seating capacity for 544 persons), as opposed to 38 spaces. Eighty-two (82) spaces are provided for the entire site. Accordingly, the proposed restaurant uses will result in spill-over parking and associated traffic movements onto the adjacent residential areas which is undesirable.

(d) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and Zoning By-law.

12. **Zoning Application 88-124, R.H.B. Murray and M.A. Murray, owners, for a change in zoning from "C" to "H" for property at 694-696 Upper James Street; Bonnington Neighbourhood.**

The Committee was in receipt from the Commissioner of Planning and Development dated 1990 August 15, respecting Zoning Application 88-124 as above.

Report of the circularization was given as follows:

310 notices sent 20 in favour 23 opposed

Mr. Bud Murray, owner of the property was in attendance and spoke to the Committee on his wish to have his application approved to permit a Real Estate Office in the existing building.

The Committee was in receipt of the following submissions:

(a) Bud Murray - request to speak to the Committee

(b) Catherine Murray, 710 Upper James Street

(c) L. J. Bergie, 79 West 1st Street

(d) Petition in favour of both ZA-90-31 and ZA-88-124

(e) Petition of opposition to ZA-90-31 and ZA-88-124

The Committee agreed to consider Item 12 and Item 13 of their Agenda since they were substantially the same areas and subsequently the Committee considered the following:

13. **Zoning Application 90-31, 877175 Ontario Inc. (K. Murray) owner, for a change in zoning from "C" to "H" for property at 710 Upper James Street; Bonnington Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 15, respecting the above-noted zoning application.

Report of the circularization was given as follows:

167 notices sent 16 in favour 14 opposed

The Committee was in receipt of the following submission:

(a) Mr. Hadala, 163 Allenby Avenue

Mr. Catherine Murray, owner of the property at 710 Upper James Street spoke to the Committee and requested approval of her application to permit commercial uses within the existing building.

Mr. Bill Buckley, 59 West 5th Avenue spoke on behalf of homeowners in the area and submitted a petition in opposition to the application. SECRETARY'S NOTE: No addresses were affixed to this petition.

Mr. Shewchuck, 131 Allenby spoke to the Committee in opposition to the application since he has a problem with the Woolco Plaza now and is concerned at the future use of the area.

Mr. Murray, owner of the property at 694 and 696 Upper James Street responded and indicated that they have applied for rezoning in response to an Order to Comply from the Building Department after they were in the building for 3 months. He also added that his application follows on the recent Ontario Municipal Board hearing which gave approval to rezoning for another property on Upper James Street at the Tiny Tots Store.

Ms. Murray, owner of property at 710 Upper James Street spoke to the Committee and indicated that she did a price comparison on house prices on Terrace Drive, which backs onto Woolco to determine whether these homes which back onto a commercial area are affected in price. Her study found that there was no price difference in these homes and other homes in the west mountain area.

Moved by Alderman Ross, seconded by Alderman Drury to **APPROVE** a modified "H" zoning on the properties at 694, 696, and 710 Upper James Street. **MOTION LOST.**

The Committee then **APPROVED** the following **DENIAL** recommendations:

> That Zoning Application 88-124, R.H.B. Murray and M.A. Murray, owners, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified to permit a real estate office use within a portion of the existing building, for the property located at 694 and 696 Upper James Street, as shown on the attached map marked as appendix "G", be DENIED for the following reasons:
>
> (a) It is contrary to the Official Plan which designates the property "residential"; and,
>
> (b) It is contrary to the Planning and Development Committee's decision respecting the Upper James Land Use Review which is to retain the lands fronting on the west side of Upper James Street between Wembley and South Bend Roads for residential purposes; and,
>
> (c) Approval of the application would set a precedent for future similar applications.

That Zoning Application 90-31, Katherine Murray, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified to permit commercial uses within the existing building, for the property located at 710 Upper James Street, as shown on the attached map marked as appendix "H", be **DENIED** for the following reasons:

(a) It is contrary to the Official Plan which designates the property "residential"; and,

(b) It is contrary to the Planning and Development Committee's decision respecting the Upper James Land Use Review which is to retain the lands fronting on the west side of Upper James Street between Wembley and South Bend Roads for residential purposes; and,

(c) Approval of the application would set a precedent for future similar applications.

14. <u>Rental Housing Protection Act -266-280 King Street East; Beasley Neighbourhood.</u>

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 24, respecting the above-noted Rental Housing Protection Act Application and the Committee **APPROVED** the following:

That approval be given to Rental Housing Protection Act Application DE-90-001, Agostino Ammendolia, owner, for demolition of units at 266 - 280 King Street East, on the following basis:

"That the applicant enters into an Agreement to provide the same number of new rental units (17 units), which are similar in rent and location to the existing units. This will include 12 rental apartment units and 5 rooms for lodgers. The Agreement will be registered on title and will be satisfactory to the Director of Local Planning and the City Solicitor".

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN F. LOMBARDO, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1990 October 3

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